

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 3 November 2010

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE 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

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 LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

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

DR THE HONOURABLE PAN PEY-CHYOU

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

MEMBERS ABSENT:

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

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

THE HONOURABLE PAUL TSE WAI-CHUN

PUBLIC OFFICERS ATTENDING:

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

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

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

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

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

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

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Human Organ Transplant (Amendment) Regulation 2010.....	143/2010
Human Organ Transplant (Appeal Board) Regulation	144/2010

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Implementation of Education Regulations and Child Care Services Regulations

1. **MR PAUL CHAN** (in Cantonese): *President, Honourable colleagues, good morning. My question is: although the fees of kindergartens and child care centres are regulated under the Education Regulations and the Child Care Services Regulations, it has been reported that recently, a kindergarten had organized various interest classes and catechism classes in the name of a third party and collected fees from students who attended those classes. The catechism classes were allegedly organized by students' parents on their own initiative. Yet, the fees collected had gone into the account of a limited company, the directors of which are the principal and supervisors of the kindergarten. In this connection, will the Government inform this Council:*

- (a) *whether the Government has assessed if the practice of the kindergarten referred to in those reports is regulated under the Education Regulations and the Child Care Services Regulations and if such practice is appropriate; if the assessment outcome is in the affirmative, of the reasons for that; if the assessment outcome is in the negative, what follow-up actions will be taken by the Government;*

- (b) *whether the Government will review the Education Regulations and the Child Care Services Regulations so as to eradicate the aforesaid practice of kindergartens; if it will, when and in what way the review will be conducted; if not, of the reasons for that; and*
- (c) *of the number of complaints received by the Government in the past three years which involved kindergartens charging fees in a similar manner, as well as the number of complaints involving kindergartens suspected to have contravened the Education Regulations and the Child Care Services Regulations and their contents; among such complaints, of the respective number of cases on which investigation was conducted, which were substantiated, for which prosecutions were instituted and the persons involved were convicted and, in respect of the convicted cases, the names of the kindergartens or child care centres involved and the penalties imposed?*

SECRETARY FOR EDUCATION (in Cantonese): President, my reply to the three-part question raised by Mr CHAN regarding the fees of kindergartens is as follows:

- (a) First of all, the Education Bureau does not allow schools to charge in a dishonest or improper way any fees from parents or students for services or activities. Any such act will be dealt with seriously.

I suppose that the case referred to in the question is the one involving the York English & Chinese Kindergarten, which has attracted wide coverage in the media. Upon receipt of enquiries from the media, the Education Bureau immediately followed up the case with the operator of the kindergarten concerned. On 29 September 2010, the Education Bureau telephoned the kindergarten to enquire about the matter. The kindergarten explained that the activities concerned were catechism activities organized by a small number of parents on their own initiative. This parent group had requested the kindergarten to provide the venue and administrative support, and would arrange for some experienced instructors trained in divinity to teach catechism to parents. The fees paid by the participating parents, after deducting the instructors' fees and administrative

expenses, would be contributed to the church. According to the kindergarten's notice to parents subsequently submitted to the Education Bureau, the kindergarten had contacted the local Catholic Church and held a briefing session, and the catechism classes would be held in one of the kindergarten premises. However, the kindergarten later clarified to the Education Bureau that the Catholic Diocese of Hong Kong opined that catechism and Sunday school classes should be approved by the parish concerned and should be free of charge. In view of this, the kindergarten had requested the parent group to return all cheques to parents.

Meanwhile, having found that the cheque payee was a limited company, the Education Bureau sent a letter to the kindergarten on 5 October, requiring it to provide in writing further information on the catechism classes, including the relationship between the kindergarten and the cheque payee. In its reply, the kindergarten stated that as requested by parents, an independent private limited company, that is, the cheque payee, had been commissioned to collect and provisionally keep the cheques submitted by parents who intended to join the catechism classes. The kindergarten reiterated in the reply that it was not involved in the acceptance of payment. However, the kindergarten did not explain its relationship with the cheque payee, that is, the company. After checking with the Companies Registry, the Education Bureau found that the directors of the company were the principal and the supervisor of the kindergarten and the registered address of the company was the same as one of the kindergarten premises. In consideration of the above information and the fact that the kindergarten's reply failed to clear up our doubts, the Education Bureau wrote again to the kindergarten, demanding clarification on the relationship between the kindergarten and the company, information about the parents who organized the classes, explanation for the payment collection arrangements, and confirmation as to whether parents were informed of the relationship between the kindergarten and the company. Meanwhile, the Education Bureau is also seeking legal advice. If the arrangements are found to contravene the laws of Hong Kong, the Education Bureau will follow up the matter and consider legal action.

Since we are still collecting necessary information and awaiting legal advice, we are not in a position to say whether the practice of the kindergarten is appropriate or not at this stage.

- (b) We consider that the operation of registered schools is properly and effectively regulated under the existing Education Ordinance and Education Regulations, and no review of the legislation is required.
- (c) According to its records, from 2007-2008 to 2009-2010 school years, the Education Bureau received a total of seven complaints against kindergartens which were suspected to have contravened the fees provisions of the Education Regulations, involving mainly the arrangement of fee refunds or the use of fees, and so on. The Education Bureau conducted follow-up investigations and requested the kindergartens concerned to rectify the situation in accordance with the relevant guidelines. Since the complaints only involved minor irregularities, no prosecution was instituted.

MR PAUL CHAN (in Cantonese): *President, according to part (a) of the Secretary's reply, some members of the school are also the directors of the company, they are thus related parties. President, my supplementary question is: focusing on the relationship among these related parties, does the Government have some monitoring or disclosure requirements? When inspectors from the Bureau inspect these schools or when they collect the quarterly/annual reports from these schools, have they followed up these issues or taken monitoring actions?*

SECRETARY FOR EDUCATION (in Cantonese): President, I have, in my main reply, exactly pointed out that the Government does not accept the explanation given by the school because the Bureau found that the names of the directors and the registered address of the company were the same. As I have just said, we had sent a letter to the kindergarten and asked whether parents were informed of the relevant facts and arrangements, we are now waiting for a formal explanation by the kindergarten on these matters. I think we must give the kindergarten a chance to give a formal explanation before taking follow-up actions.

MRS SOPHIE LEUNG (in Cantonese): *President, I very much agree that the Bureau should consider asking the subsidiary or affiliated company of the kindergarten to give us a clear account, and to inform parents of the relevant arrangements. President, it is mentioned in part (a) of the main reply that this case is about catechism classes for parents. In this regard, I think that we should establish a system as far as possible for parents to receive education or to attend classes at schools (especially kindergartens). I wonder if the Bureau will review the whole system upon the conclusion of this incident. First, it must ask schools to provide a clearer account, the current practice in which schools will give further explanation upon the request of the Bureau should discontinue. Second, as Mr Paul CHAN has mentioned, more detailed information about the related parties can be provided in the annual report. Third, schools should be given the opportunities to organize this kind of parent training courses. Can the Secretary take these questions into consideration, and consider allowing schools to perform these tasks by revising or enhancing the Education Ordinance according to this principle?*

PRESIDENT (in Cantonese): Secretary, Mrs Sophie LEUNG asked if the Bureau would learn from the experience in this incident and enhance the monitoring measures. She has given some examples and asked if the Bureau would take them into consideration.

SECRETARY FOR EDUCATION (in Cantonese): President, I believe we need to gain a deeper understanding of this case. This question before us is not about the teaching activities of the kindergarten. It has been stated clearly in the main reply that the catechism classes were organized by the non-Catholic parents of students on their own initiative. This is not an activity organized by the kindergarten and it is just an activity organized by parents on their own initiative. What we are concerned about is the relation between this activity organized by parents on their own initiative and the kindergarten. We have written to the kindergarten to enquire about the role played by the kindergarten in this incident. Presently, the kindergarten claims that it does not have a role to play in this incident, however, despite such a claim, the cheques involved are somehow related to the principal and supervisors. Therefore, we must inquire deeply into the case and we must clarify the relation involved. If the incident has nothing to do with the kindergarten as alleged, the Education Bureau will not take any

monitoring action under the Education Ordinance. But, if what is alleged does not tally with the facts, and if the kindergarten "says one thing but does quite another", we will handle the case in another way. Thus, we have not yet clarified the facts, and we are waiting for a reply from the kindergarten; we are going to find out if they can provide more information for our consideration. The Bureau is also seeking legal advice in this connection.

MR CHEUNG MAN-KWONG (in Cantonese): *President, the catechism classes organized by the kindergarten are accelerated religious classes. Some participants may covert to Catholicism after taking these classes while some others may just take this opportunity to become Catholics within a short time, so that their children may get the precious five points for religious affiliation under the Primary One Admission System, and enhance their chances of getting admitted to some famous schools run by religious sponsoring bodies. Therefore, the Government has stated in its main reply that the Government may even consider prosecuting some kindergartens for organizing fee-charging catechism classes (if the practice has contravened the laws). However, if the Government cannot plug this loophole of religious deception, people will have a lot of worries and queries about the Primary One Admission System. Will the Government consider setting a procedure for verifying with the relevant churches the points given to applicants because of the same religious affiliation, so as to ensure that there will be no religious deceptive acts or accumulation of wealth by unfair means?*

SECRETARY FOR EDUCATION (in Cantonese): President, I believe that we cannot instantly draw a conclusion whether there is an element of deception or not. As I have just mentioned, according to the kindergarten, this is not a school activity but an activity organized by parents on their own initiative. We can also see from the main reply that the kindergarten has contacted the Catholic Diocese of Hong Kong which has explicitly opined that catechism and Sunday school classes should be approved by the parish concerned and should be free of charge. So, I believe the facts are somewhat different from what we understood, and we must wait patiently for the kindergarten's explanation and take further actions on the basis of its explanation.

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

MR CHEUNG MAN-KWONG (in Cantonese): *The Secretary seems to have understood the situation wrongly, President, please make your ruling.*

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

MR CHEUNG MAN-KWONG (in Cantonese): *My supplementary question is: concerning fee-charging catechism classes, some participants may be converted while some others may join the catechism classes to get baptized, so that their children may get some points for religious affiliation and be admitted to famous schools run by religious sponsoring bodies.*

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

MR CHEUNG MAN-KWONG (in Cantonese): *How is the Government going to plug this loophole of religious deception; that is, students getting five points by deceptive means? The Government must plug this loophole. For example, when an applicant gets five points for religious affiliation, the school must verify with the relevant church whether he is a believer recognized by the church, and there is no element of deception. In other words, the applicant will not get five points just because he is a believer from an unknown church.*

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

SECRETARY FOR EDUCATION (in Cantonese): President, according to my understanding, each school will verify with the local church whether the applicant has been baptized or not; since people baptized will have a baptism certificate, verification will not be difficult.

MS STARRY LEE (in Cantonese): *President, parents trust schools most, and they encourage their children to participate in most activities recommended by schools. As stated in part (a) of the Secretary's main reply, the Education Bureau does not allow schools to charge in a dishonest or improper way any fees from parents or students for services or activities. At the beginning of every school year, parents receive a lot of circulars encouraging students to participate in various activities such as extra-curricular activities, tutorial classes, interest classes, and so on, and some of which charge fees. Moreover, I have noticed that most activities are co-organized with other organizations and the schools will provide venues.*

I would like to find out if the guideline of the Bureau allows schools to obtain profits by organizing these extra-curricular activities. If it allows schools to do so, will it require the schools to inform parents or Parent-Teacher Associations (PTAs) of how the profits are shared? If it thinks that parents or PTAs need not be informed, what are the reasons?

PRESIDENT (in Cantonese): Ms LEE, this question concerns a very special activity and it has not been confirmed as an extra-curricular activity organized by the kindergarten for students. Therefore, I think that your supplementary question has deviated from the scope of the main question.

MS STARRY LEE (in Cantonese): *President, part (a) of the Secretary's main reply is about the overall education policy, and I just want to find out more information in this respect. As the issue is related to part (a) of the Secretary's main reply, I suggest that we should consider if the Secretary has anything to add.*

PRESIDENT (in Cantonese): Secretary, are you prepared to answer this supplementary question?

SECRETARY FOR EDUCATION (in Cantonese): President, schools in fact organize many activities including ordinary fund-raising activities, charitable activities, and so on. We have issued clear guidelines on collecting donations

and various other activities. Perhaps I can give Ms LEE a written reply after the meeting, and I will provide information related to the scope covered by our current guidelines in greater detail. (Appendix I)

PRESIDENT (in Cantonese): Mr Paul CHAN, this is your second supplementary question.

MR PAUL CHAN (in Cantonese): *President, my supplementary question does not focus on kindergartens. Regarding this incident, I think that we can draw inferences about other cases and consider what we can learn from this incident. My question is not just focusing on kindergartens, it directs at primary and secondary schools as well. From our discussion a while ago, we know that school directors or supervisors may be involved in some activities, such as being the providers or suppliers of school services. These activities may include catechism classes, provision of textbooks, extra-curricular activities, tutorial classes, and so on. My supplementary question is: regarding the supervision of such dealings of the related parties, will the Bureau conduct a review to find out which aspects require improvement and follow-up, and then provide us a supplementary document?*

SECRETARY FOR EDUCATION (in Cantonese): President, as I have said in part (b) of my main reply, we consider that the existing Education Ordinance has sufficiently plugged all loopholes, and we do not think any loophole has been found. The problem in this case is that some parents have done something on their own initiative, which is outside the scope of the Bureau. We think that we will have explicit guidelines when the case has been completed.

PRESIDENT (in Cantonese): Secretary, from what I gather, Mr CHAN's question is, if the organizations providing services to schools have certain connections with the school sponsoring bodies, that is the so-called related parties, how the situation will be regulated under our existing system?

SECRETARY FOR EDUCATION (in Cantonese): There are clear guidelines under our existing system, specifying that irrelevant activities are not allowed. We have guidelines and penalties in this connection.

MR PAUL CHAN (in Cantonese): *President, can the Secretary provide supplementary information on these guidelines after the meeting?*

PRESIDENT (in Cantonese): Secretary, can you provide the relevant information after the meeting?

SECRETARY FOR EDUCATION (in Cantonese): Yes, I can. (Appendix II)

PRESIDENT (in Cantonese): Second question.

Overseas Visits by Senior Officials

2. **MS EMILY LAU** (in Cantonese): *President, according to a press release issued by the Government on 1 September this year, the Chief Secretary for Administration departed for Beijing on 2 September to discuss matters concerning co-operation between Hong Kong and the Mainland with the Central People's Government. The Government issued another press release on the next day, saying that the Chief Secretary had a working meeting with the Deputy Director of the Hong Kong and Macao Affairs Office (HKMAO) of the State Council to exchange views on issues on furthering the social and economic development of Hong Kong, including the progress of Hong Kong's participation in the preparation of the National 12th Five-Year Plan and Hong Kong-Guangdong co-operation. It was noted that the meeting between the Chief Secretary and the Deputy Director lasted only one hour, and the Government did not announce the itinerary of the Chief Secretary in Beijing for the remaining seven hours. In this connection, will the executive authorities inform this Council:*

- (a) *whether the Chief Secretary met the Director of the HKMAO on 2 September to discuss matters in relation to the legislation on*

Article 23 of the Basic Law; if he did, of the reasons for not giving an account of the meeting and the contents of their talks in the press releases;

- (b) of the number of times in the past two years that the principal officials under the accountability system, after their visits outside Hong Kong, did not give an account of the details of such visits to the public, together with the names of the officials involved, as well as the dates and places of such visits outside Hong Kong; and*
- (c) whether the authorities have assessed if the principal officials under the accountability system, after their duty visits to Beijing or other places, have the duty to give an account to the public and the Legislative Council of the persons they have met and the contents of discussions; if the assessment result is in the affirmative, whether the authorities will undertake to adhere to this principle in future by giving an account of the details of such meetings and discussions?*

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

- (a) The HKSAR Government issued press statements on 1 and 2 September regarding the arrangements for the visit by the Chief Secretary to Beijing on 2 September this year. The statements stated that the Chief Secretary had a working meeting with Mr ZHOU Bo, Deputy Director of the HKMAO of the State Council, in Beijing to exchange views on issues including the progress of Hong Kong's participation in the preparation of the National 12th Five-Year Plan and Hong Kong-Guangdong co-operation. The HKSAR Government has nothing further to supplement.
- (b) The practice of the HKSAR Government is to make public the official visits made by the Secretaries of Departments and Directors of Bureaux. The official visits made by the Secretaries of Departments and Directors of Bureaux in the past two years are detailed in the Annex. Apart from the official visits mentioned above, Government officials may have to attend working-level

meetings on various issues outside Hong Kong on certain occasions. As far as these working-level meetings are concerned, they may be of routine nature or the discussions may not yet have matured. We would decide whether and how such meetings should be made public depending on the relevant circumstances and needs.

- (c) The HKSAR Government agrees that we should make public the official visits made by the Secretaries of Departments and Directors of Bureaux. We will continue to adhere to this principle in future.

Annex

Official visits made by the Secretaries of Departments and
Directors of Bureaux during the period
from October 2008 to September 2010

Chief Secretary for Administration

<i>Date</i>	<i>Destination</i>
5-7 November 2008	Sichuan
13 November 2008	Shenzhen
21 January 2009	Guangzhou
23-24 April 2009	Guangzhou, Foshan
11-13 May 2009	Sichuan
18-20 May 2009	Beijing
2 June 2009	Shenzhen
5 June 2009	Zhongshan, Jiangmen
15 June 2009	Zhuhai
24-26 June 2009	Zhaoqing, Dongguan, Huizhou
1-6 July 2009	Shanghai, Sichuan
31 August-2 September 2009	Sichuan
10 September 2009	Guangzhou
18-20 September 2009	Beijing
30 September-2 October 2009	Beijing
11-12 October 2009	Shanghai
26-29 October 2009	Australia
2-6 November 2009	United Kingdom
2 December 2009	Guangzhou

<i>Date</i>	<i>Destination</i>
7-9 October 2009	Sichuan
7-13 January 2010	United States of America
31 January-2 February 2010	Beijing
5 February 2010	Guangzhou
9 February 2010	Shanghai
19 March 2010	Shanghai
6-7 April 2010	Beijing
19 April 2010	Shanghai
22 April 2010	Macao
28 April-1 May 2010	Fuzhou, Shanghai
28 June-1 July 2010	Sichuan, Shanghai
15-16 July 2010	Beijing
2 September 2010	Beijing
6 September 2010	Shenzhen
16 September 2010	Guangzhou
30 September-1 October 2010	Shanghai

Financial Secretary

<i>Date</i>	<i>Destination</i>
13-17 November 2008	Washington DC
10(pm)-16 December 2008	Nanning, Guangxi, Hanoi, Vietnam
14 January 2009	Huizhou
13-15 March 2009	London
29 April(pm)-6 May 2009	San Francisco, Los Angeles and Vancouver
31 May-11 June 2009	Moscow, St. Petersburg, Stockholm, and London
10 August 2009	Dongguan
4-6(pm) September 2009	London
24-27 September 2009	Pittsburg
10(pm)-13(am) November 2009	Singapore
17(pm) November 2009	Shenzhen
19(pm)-20(am) December 2009	Macao
16(pm)-24 March 2010	Malaysia, Brunei and Indonesia

<i>Date</i>	<i>Destination</i>
14-22 May 2010	Shanghai, Hei Long Jiang and Vladivostok
25(pm)-28 June 2010	Toronto
1(pm)-3 July 2010	Guangzhou and Foshan
20-22 July 2010	Shanghai
27(5 pm)-28 July 2010	Macao
28-31 August 2010	Taiwan
1-7 September 2010	Beijing and Jilin

Secretary for Justice

<i>Date</i>	<i>Destination</i>
23-27 November 2008	Australia
14-17 April 2009	Beijing
11-15 August 2009	Chengdu, Chongqing
5-9 October 2009	Canada
22-25 November 2009	Hanoi, Vietnam
19-20 December 2009	Macao
6-7 April 2010	Beijing
5-6 July 2010	Shanghai

Secretary for Education

<i>Date</i>	<i>Destination</i>
13 November 2008	Shenzhen
30 November-4 December 2008	Melbourne, Australia
10 March 2009	Beijing
19 March 2009	Shenzhen
6-9 July 2009	Singapore
27-29 September 2009	Beijing
31 January-4 February 2010	Beijing, Zhengzhou
16-22 May 2010	Malaysia, Indonesia
4-10 July 2010	Korea, Japan
18-20 August 2010	Shanghai

Secretary for Constitutional and Mainland Affairs

<i>Date</i>	<i>Destination</i>
10-11 October 2008	Chengdu, Sichuan
13 November 2008	Shenzhen
21 January 2009	Guangzhou
3-6 March 2009	Beijing
26-27 March 2009	Chengdu, Sichuan
23-24 April 2009	Guangzhou, Foshan, Guangdong
6-7 May 2009	Beijing
18-19 May 2009	Beijing
4-6 June 2009	Taipei
9-11 June 2009	Nanning, Guangxi
26 June 2009	Guangdong
3-6 July 2009	Beijing, Sichuan
30 July 2009	Shenzhen
31 August-2 September 2009	Sichuan
7-8 September 2009	Fujian
29 September-2 October 2009	Beijing
19-20 December 2009	Macao
14-15 January 2010	Beijing
5 February 2010	Guangzhou
9 February 2010	Shanghai
5-7 March 2010	Taichung
11 March 2010	Dongguan, Guangdong
7 April 2010	Beijing
29 April-2 May 2010	Shanghai
4-5 July 2010	Beijing
19-22 August 2010	Shanghai
27-29 August 2010	Fuzhou, Fujian
29-31 August 2010	Taipei
6 September 2010	Shenzhen
16 September 2010	Guangzhou

Secretary for Security

<i>Date</i>	<i>Destination</i>
24-30 October 2008	Beijing, Guangzhou and Shenzhen
24 November-1 December 2008	Seoul and Tokyo

<i>Date</i>	<i>Destination</i>
16-19 March 2009	Singapore
28 July 2009	Shenzhen
6-12 September 2009	Beijing, Tsingtao and Guangzhou
13-16 September 2009	India
30 September-2 October 2009	Beijing
21-23 April 2010	Shanghai
26-30 July 2010	Malaysia and Indonesia

Secretary for Food and Health

<i>Date</i>	<i>Destination</i>
5-7 November 2008	Hangzhou, Chengdu
25-27 March 2009	Beijing
15-20 April 2009	Australia
15-20 May 2009	Geneva
20-22 August 2009	Beijing
1-2 September 2009	Guangdong
29 September-2 October 2009	Beijing
11-13 October 2009	Beijing
25-28 November 2009	Tokyo, Japan
19-20 December 2009	Macao
13-14 January 2010	Macao
28 March-1 April 2010	Singapore
25-30 April 2010	Israel
13-23 May 2010	Estonia, Germany, Netherlands, United Kingdom, and Geneva, Switzerland

Secretary for the Civil Service

<i>Date</i>	<i>Destination</i>
30 September-2 October 2009	Beijing
12-19 September 2010	Beijing and Shanghai

Secretary for Home Affairs

<i>Date</i>	<i>Destination</i>
10-13 October 2008	New York
28-29 October 2008	Beijing
28 November 2008	Dongguan
26 March-2 April 2009	Wuxi, Taipei
28-30 June 2009	Singapore
20 July 2009	Guangzhou
13-16 September 2009	Taipei
28 September-2 October 2009	Beijing
10-11 October 2009	Macao
15-18 October 2009	Shandong
19-20 December 2009	Macao
17-19 January 2010	Beijing
25 March 2010	Shenzhen
10-11 May 2010	Guangzhou
15-17 May 2010	Hefei
4-5 June 2010	Shanghai
11-13 June 2010	Suzhou
25 June 2010	Macao
15-17 July 2010	Shanghai
20 July 2010	Guangzhou
7-9 August 2010	Dunhuang
19-20 August 2010	Beijing
29-31 August 2010	Taipei
9-13 September 2010	Tokyo, Nagoya
26-29 September 2010	Taipei, Taichung

Secretary for Labour and Welfare

<i>Date</i>	<i>Destination</i>
30 September-2 October 2009	Beijing
30-31 March 2010	Beijing
16-17 April 2010	Sichuan
14-17 September 2010	Shanghai, Beijing

Secretary for Financial Services and the Treasury

<i>Date</i>	<i>Destination</i>
20 Oct 2008	Guangzhou
23(pm)-27(am) November 2008	Dubai
13 December 2008	Shenzhen
3-6 March 2009	Australia
23-24 April 2009	Beijing
4-8 May 2009	Brussels, London
19-20 May 2009	Guangdong
8(pm)-11 August 2009	Kuala Lumpur
12(evening)-14 August 2009	Shanghai
29 September(evening)- 2 October (am) 2009	Beijing
15(evening)-16 October 2009	Chengdu
27(pm)-29 October 2009	Beijing
8(pm)-11 November 2009	Seoul and Tokyo
15-21 November 2009	Frankfurt, Zurich and Bern
8-9 December 2009	Fujian
1(evening)-3 February 2010	Beijing
3(pm)-9 March 2010	Washington DC, New York and Toronto
6(pm)-7 April 2010	Beijing
26-28 May 2010	Beijing
17-24 June 2010	St. Petersburg, London and Dublin
25-27(am) June 2010	Shanghai
19(pm)-22 July 2010	Shanghai
31 August-2 September 2010	Moscow
5(pm)-7 September 2010	Beijing

Secretary for Development

<i>Date</i>	<i>Destination</i>
10-12 October 2008	Sichuan
16-20 October 2008	New York, United States of America
2-4 November 2008	Nanjing
4-6 December 2008	Beijing

<i>Date</i>	<i>Destination</i>
11 December 2008	Shenzhen
12-13 December 2008	Guangzhou
8-10 February 2009	Tokyo, Japan
4-7 March 2009	Singapore
22-23 March 2009	Singapore
8-10 April 2009	Chengdu
27 April 2009	Shenzhen
21-23 June 2009	Singapore
29 August 2009	Shenzhen
4-7 May 2010	Wellington and Auckland, New Zealand
20-23 May 2010	Shanghai
10-13 June 2010	Sichuan
19-21 June 2010	Fuzhou City
28-30 June 2010	Singapore
22-24 September 2010	Oslo, Norway
29-30 September 2010	London, United Kingdom

Secretary for the Environment

<i>Date</i>	<i>Destination</i>
9-13 November 2008	Australia
7 February 2009	Shenzhen
1-3 April 2009	Beijing
23 April-3 May 2009	Japan, Canada, United States of America
18-21 May 2009	Korea
26 June 2009	Dongguan
15-16 September 2009	Japan
28 September-2 October 2009	Beijing
15-19 November 2009	Israel
25 November 2009	Guangdong
12-20 December 2009	Denmark and Sweden
5 February 2010	Guangzhou
7 April 2010	Beijing
8 April 2010	Macao
11-14 April 2010	Malaysia and Singapore

<i>Date</i>	<i>Destination</i>
5(pm)-8 May 2010	Shanghai
7-12 June 2010	Frankfurt and Berlin, Germany
17(pm)-21 June 2010	Japan
23-25 June 2010	Yunnan
14 July 2010	Beijing

Secretary for Transport and Housing

<i>Date</i>	<i>Destination</i>
12-14 November 2008	Singapore
26-27 November 2008	Guangzhou
25-28 February 2009	Vietnam
18 March 2009	Shenzhen
26-27 March 2009	Shanghai
15-17 April 2009	Beijing
27-29 April 2009	Manila
18-19 July 2009	Shanghai
14-15 September 2009	Beijing
27-28 September 2009	Beijing
29 September-2 October 2009	Beijing
11-12 October 2009	Shanghai
2 November 2009	Shenzhen
30 November-1 December 2009	Shanghai
10-11 December 2009	Beijing
15 December 2009	Zhuhai
19-20 December 2009	Macao
4-5 January 2010	Wuhan
26-28 January 2010	Singapore
6-7 April 2010	Beijing
2-3 May 2010	Singapore
18-19 May 2010	Beijing
17-19 June 2010	Shanghai
28-29 June 2010	Malaysia
15-16 July 2010	Beijing
26 August 2010	Shenzhen

<i>Date</i>	<i>Destination</i>
31 August-3 September 2010	London, United Kingdom; Brussels, Belgium
16 September 2010	Guangzhou
30 September 2010	Shanghai

Secretary for Commerce and Economic Development

<i>Date</i>	<i>Destination</i>
24-27 October 2008	Chengdu
27-28 October 2008	Madrid, Spain
13 November 2008	Shenzhen
16-26 November 2008	Los Angeles, United States of America; Lima, Peru; Vancouver, Canada
22-23 December 2008	Beijing
21 January 2009	Guangzhou
4-7 March 2009	Paris, France
31 March 2009	Shenzhen
23-24 April 2009	Guangzhou and Foshan
25 April 2009	Guangzhou
13-18 May 2009	Rome, Italy; Cannes, France
2(pm)-6 June 2009	Seattle and San Francisco, United States of America
18 June 2009	Dongguan
24-28 June 2009	Paris, France; London, United Kingdom
1-2 July 2009	Helsinki, Finland
20(pm)-23 July 2009	Singapore
27-28 July 2009	Ganzhou
24(pm)-25 September 2009	Beijing
29 September-2 October 2009	Beijing
10-14 November 2009	Singapore
17 November 2009	Shenzhen
22-24 November 2009	Beijing
30 November-2 December 2009	Geneva, Switzerland
19(pm)-20 December 2009	Macao
5 February 2010	Guangzhou
28(pm) February-2 March 2010	Tokyo, Japan

<i>Date</i>	<i>Destination</i>
5(pm)-7 March 2010	Taichung
22-23 March 2010	Guangzhou
13 April 2010	Shanghai
30 April-1 May 2010	Shanghai
31 May-1 June 2010	Shanghai
4-6 June 2010	Sapporo, Japan
30(pm)-31 July 2010	Beijing
6-8 August 2010	Beppu, Japan
22-24 August 2010	Denmark
29-31 August 2010	Taiwan
13(pm)-14 September 2010	Shanghai

Note:

Official visits include carrying out official visits, attending large conferences, exhibitions, ceremonies, and so on, outside the HKSAR.

MS EMILY LAU (in Cantonese): *President, the Secretary's reply is indeed very ridiculous. As stated in part (b) of my main question, the authorities have failed to give an account of certain details of official visits outside Hong Kong, so I asked him to give an explanation. However, he merely stated the destinations and dates of official visits outside Hong Kong, but did not mention the number and date of visits which have not been disclosed. In his response, he said that such visits do exist as officials are sometimes required to do so and so. And yet, he failed to give us the details, which are essential. Even if he is not responding to part (c) of my main question, he should still give an account of the details.*

In part (a) of my main question, I ask if the Chief Secretary met the Director of the HKMAO to discuss matters in relation to the legislation on Article 23 of the Basic Law. Some people even said that the discussion was about the election of the next Chief Executive. President, they had stayed in Beijing for seven hours, what had they done? Since this is an official visit, the authorities is duty-bound to give an account to the Legislative Council and the public of the persons the Chief Secretary had met and the contents of discussions. How can the Secretary just say that there was nothing further to supplement? President, this is what I wish to ask, but he merely said there was nothing further to supplement. I hope that he can give us the full picture.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I have actually answered the question. In part (b) of my main reply, I stated that government officials may have to attend working-level meetings on various issues outside Hong Kong on certain occasions. As these working-level meetings may be of routine nature or the discussions may not yet have matured, we would decide whether and how such meetings should be made public depending on the relevant circumstances and needs.

Of course, we do have frequent contacts with different departments of the Central Authorities concerning various issues. It is our established practice that detailed comments regarding our contacts with the relevant departments of the Central Authorities should not be made openly. Naturally, for issues of public concern, an account will be given to the public when the discussion has matured. Regarding the legislation on Article 23 of the Basic Law which Ms Emily LAU mentioned in her main question, the Chief Executive has stated clearly to the Legislative Council and the public in this year's Policy Address that the incumbent Government would not proceed with the relevant legislative work.

Having said that, for major issues of public concern, we will naturally give an account at an appropriate time.

MS EMILY LAU (in Cantonese): *My question is what the Chief Secretary had done during his seven-hour stay in Beijing, but not when is the appropriate time for giving an account. President, I ask him what he had done during the seven hours in Beijing. The Legislative Council absolutely has every right to know.*

PRESIDENT (in Cantonese): I believe the Secretary has answered the question. In part (b) of the main reply, he said that for meetings of routine nature or the discussions may not yet have matured, the authorities would decide whether and how such meetings should be made public depending on the relevant circumstances and needs. Secretary, do you have anything to add?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I have nothing to add.

MR LEE WING-TAT (in Cantonese): *President, I assume that by official visit, it means I assume that during those seven hours, Chief Secretary Henry TANG had not enjoyed a massage service, he had not gone shopping in Wangfujing, he had not gone in private for enjoying a Beijing Duck meal or buying the Great Wall Red Wine, what then had he done during those seven hours? I assume that he was working, and he was not in his room — I mean the hotel room in which he had stayed in Beijing — sleeping for seven hours; what actually had he done? The Secretary said that when the result is available, it would be made public at an appropriate time. I hope that we will not be informed two years later, I hope that we will be informed when the new Chief Executive assumes office, "The Central Government had, in fact, appointed me at that time. I am telling you now that I am the new Chief Executive." Is that what he means?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, our official visits have been set out in the Annex of the main reply. Such visits include carrying out official visits, attending large conferences, exhibitions, ceremonies, and so on, outside the SAR. Regarding the contact with the HKMAO to discuss matters in relation to the National 12th Five-Year Plan, we have already given an account of it. Since the Chief Secretary's trip to Beijing is a duty visit, he will definitely give an account of this official duty to the Chief Executive and the relevant authorities.

Regarding Mr LEE Wing-tat's guess that the visit has something to do with the next Chief Executive's election, I can only say that the local legislative work on the method of election of the Chief Executive is still underway. It is too early for Members to make any guess on the election of the next term.

MR LEE WING-TAT (in Cantonese): *I am not asking how the legislation will be scrutinized. What I wish to ask is: Was Henry TANG appointed the next Chief Executive during those seven hours?*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the fourth term Chief Executive shall be selected by election.

DR LAM TAI-FAI (in Cantonese): *President, the Secretary's reply is indeed too simple. I have actually made great efforts to search for information on this oral question, and I have also sought advice from many people. A few days ago, Secretary Stephen LAM said to me that I was resourceful and that I have many friends. However, Secretary, you are wrong because I still cannot find the information I need after searching high and low.*

Secretary, there is nothing I can do but ask: Has any democratic country in this world implemented rules, mechanism or statutory provisions requiring senior officials to report to the public or the legislature details of their overseas visits, including their hourly itinerary? If so, can you tell me which countries have such requirements? If not, I wish to ask the Secretary if the SAR Government would consider leading the global trend by establishing a relevant mechanism or system?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I had worked in the London Office on behalf of the Hong Kong Government in the 1980s. Between 1991 and 1994, I set up the Hong Kong Economic and Trade Office in Toronto, Canada. I had frequent visits to the parliaments of Canada and the United Kingdom during these two periods of time, and I learnt that if foreign ministers are required to undertake overseas duty visit, they would also report to the parliaments. In Hong Kong, we must abide by the Basic Law and be accountable to the Legislative Council; implement laws passed by the Legislative Council and already in force; present regular policy addresses to the Legislative Council; answer questions raised by members of the Legislative Council, and obtain approval from the Council for taxation and public expenditure. So, in response to Mr LAM Tai-fai's supplementary question, we will faithfully abide by the Basic Law and give an account of the issues that have been dealt with to the Legislative Council and the public when the time is ripe.

Regarding the relatively more sensitive issues of public concern, such as matters relating to the legislation on Article 23 of the Basic Law, just as I have

said earlier on, an account has been given by the Chief Executive in the Policy Address. As for matters relating to constitutional development, which is also of public concern, we all know that a timetable for universal suffrage has been laid down in 2007 after an extensive process. The Legislative Council and members of the public were also informed. Last year and this year as well, the public have expressed grave concern about the legislative arrangements for the election in 2012, hence, we will give an account to Members at different stages.

We will certainly communicate with the Central Government on these issues when necessary. The result will be made public when it matures, and this is how we can be accountable to the Legislative Council and members of the public.

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

DR LAM TAI-FAI (in Cantonese): *Yes. I did not ask about the legislation on Article 23 of the Basic Law nor the election of the Chief Executive.*

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

DR LAM TAI-FAI (in Cantonese): *I asked whether there is any democratic country in this world which requires their ministers to make public their hourly itinerary?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, according to my understanding when I was working in Canada and the United Kingdom, their ministers are not required to give such detailed account. However, for major policy issues, they will certainly give an account to the parliaments, the legislature and members of the public. I am very grateful to Mr LAM Tai-fai for raising this follow-up question so that I can make further clarification.

MR LAU KONG-WAH (in Cantonese): *President, as seen from the Annex of the main reply, the Chief Secretary has made 24 overseas visits over the past two years, of which he had visited the Mainland for 20 times. This is indeed consistent with the phenomenon that national leaders or government officials from different parts of the world are visiting Beijing one after the other. It also proves that the development of Hong Kong and the nation is inseparable.*

Regarding the Secretary's main reply, I consider that part (a) is too simple. Since the Secretary has mentioned the 12th Five-Year Plan and Hong Kong-Guangdong co-operation, which are very important issues, I wish to ask him to provide supplementary information on the 12th Five-Year Plan in particular, given that progress should have been made after the 11th Five-Year Plan. Have the authorities carried out any reviews? Are there any new developments under the 12th Five-Year Plan that are favourable to Hong Kong? Have they discussed Hong Kong-Guangdong co-operation, especially the development of Qianhai? The development of Qianhai is an important cornerstone of Hong Kong-Guangdong co-operation.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): *President, the Chief Secretary has actually made more than 30 overseas duty visits between 2008 and 2010. The table which sets out the official visits made by the Chief Secretary actually contains two pages, and the number of visits is therefore not just the 20-odd times listed on page 1.*

Regarding the work of the 12th Five-Year Plan, I would like to tell Mr LAU Kong-wah via the President that progress has been made. Under the 11th Five-Year Plan, our nation stated that continuous support would be provided to assist the development of Hong Kong into an international finance, trading and shipping centre. This time, apart from expressing its support to promote Hong Kong as an international finance, trading and shipping centre, the 12th Five-Year Plan also highlights the regional co-operation between Hong Kong and Guangdong. We have liaised with the relevant departments of the Central Authorities (including the HKMAO) about further expanding our economic development potentials in the Mainland, and discussions have been held on macro issues such as the 12th Five-Year Plan, CEPA, as well as on micro issues, such as Qianhai development.

Members may remember that earlier on, the State Council has indicated its support, in principle, to the development of Qianhai into a modern service zone. This is very important to Hong Kong because measures for early and pilot implementation have been put in place under the 12th Five-Year Plan and the CEPA framework. By so doing, Hong Kong's service industries such as financial and professional services will be implemented in Guangdong on a pilot basis for market exploration. It is hoped that the Qianhai zone, which has an area of over 10 sq km, will open a new horizon for our development potentials. President, Members may further discuss the issue when the sixth oral question to be raised by Mr WONG Ting-kwong is discussed later. Matters in relation to economic development have been touched on during Chief Secretary's trip to Beijing.

MS CYD HO (in Cantonese): *I am grateful to the Secretary for reading out Article 64 of the Basic Law, pointing out that the duty of the SAR Government include answering questions raised by members of the Council. President, it is not necessary for the authorities to describe in great detail the things done and the persons met on an hourly basis in a press release. However, given that this is a constitutional obligation and Legislative Council Members have clearly raised specific questions on this issue, the Secretary is therefore obliged to answer whom he had met and what had been discussed during the seven-hour stay.*

In part (b) of the main reply, the Secretary has only stated some principles, and that some visits may be of routine nature or the discussion may not yet have matured. Yet, he has not mentioned if that seven-hour meeting is of routine nature or the discussion has matured. As we can see, although the discussions of a number of issues are still underway, just like the agreement on the development of Qianhai, which still has a long way to go before it is signed, he has already mentioned in his response. Therefore, President, I hope the Secretary will state clearly: Which official had the Chief Secretary met during those seven hours? Had they discussed matters relating to the legislation on Article 23 of the Basic Law or candidates of the next Chief Executive? Or are these visits of routine nature but restricted from public disclosure?

PRESIDENT (in Cantonese): Ms HO, you have basically repeated the question which another Member has raised. Let me see if the Secretary has any response.

MS CYD HO (in Cantonese): *President, I do not agree that I am repeating the same question as I have pointed out clearly*

PRESIDENT (in Cantonese): Please repeat your supplementary question. What do you wish to ask?

MS CYD HO (in Cantonese): *In part (b), the Secretary only stated some generalized stances in principle*

PRESIDENT (in Cantonese): What is your supplementary question?

MS CYD HO (in Cantonese): *I ask him very clearly which officials he had met during those seven hours and what had been discussed. The list of officials and matters under discussion*

PRESIDENT (in Cantonese): Should you have noticed, similar questions have been asked by other Members just now. I will call upon the Secretary to answer first.

MS CYD HO (in Cantonese): *President, I still do not agree with the fact that you have re-defined my supplementary question.*

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

MS CYD HO (in Cantonese): *My supplementary question is: Which officials had he met during those seven hours? What had been discussed? Furthermore,*

was the meeting with officials and matters under discussion of routine nature or may not yet have matured? In the past, matters under discussion would also been disclosed on a number of occasions, but why not this time?

PRESIDENT (in Cantonese): The latter part does sound new. Secretary, please reply.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, negotiation is certainly necessary for matters being discussed with the relevant departments of the Central Authorities in Beijing. Naturally, accounts will be given to the Legislative Council and the public when progress has been made. Regarding Ms HO's concern that accounts should be given in great detail, the relevant panel and the Legislative Council have already been briefed on such matters as the Qianhai co-operation, which she has asked time and again in the Legislative Council, and a paper will be submitted to the relevant panel to give a detailed account of the matter after the agreement is signed. Therefore, giving reports to the Legislative Council is indeed an ongoing process. Sometimes, relevant questions will be answered at Council meetings, but sometimes follow-up is necessary at panel meetings. When the discussion reaches a mature stage, we will certainly make public the relevant agreement and decision.

PRESIDENT (in Cantonese): Ms Emily LAU, this is your second supplementary question.

MS EMILY LAU (in Cantonese): *President, just now you have actually taught the Secretary how to answer, that is, part (b) of the main reply can actually be used to answer part (a) of the main question concerning working-level meetings.*

President, in part (b) of my main question, I ask about certain facts, requiring the Secretary to set out the visits which have not been disclosed in the past two years. The Secretary replies that for working-level meetings, decisions would be made on how and whether they should be made public depending on the relevant circumstances and needs. President, it means that decision has yet to

be made. What I am asking are visits held in the past two years, and I want to know more about the visits that have not been disclosed at that time, which he refused to answer on the pretext that they are working-level meetings or due to the nature of meetings. I absolutely cannot accept such answers.

While I am talking about official visits, he has divided such visits into official overseas visits and working-level visits. In my opinion, however, there is only one kind of official visit, and the details of which must be made public. President, in part (b) of my main question, I ask about certain facts, and that is, visits which have not been made public due to the abovementioned principles that are beyond our understanding. Please state. President, we have reasons to believe that there may be hundreds or even more of such visits. President, I need the relevant information.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, this is all the information that I can disclose. Nonetheless, I will try to make further explanation to Ms Emily LAU. Sometimes I have to go to Guangdong to attend some short working meetings on issues under my purview, to discuss the co-operation between Hong Kong and Guangdong. For working meetings which lasted only a few hours, press release would not be issued. Nonetheless, in case formal meetings are held by delegations from Hong Kong and Guangdong to discuss certain issues, any decisions made would be made public after the meeting and press release would be issued.

Also, I may, through working meetings or telephone calls, liaise with the relevant departments of the Central Authorities to handle certain issues. However, as these issues are sometimes pretty sensitive, like those relating to constitutional reform, we may give an account to the public, including the Legislative Council, only when the matter has reached a mature stage. Ms Emily LAU has participated in many discussions of this kind, and should be aware that once a decision is made, all political parties and groupings, the Legislative Council and members of the public would naturally be informed.

MS EMILY LAU (in Cantonese): *I am asking something which happened two years ago, which is indeed history. Is it still impossible to disclose?*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the most important historical event is that the timetable of universal suffrage was decided in 2007. In June 2010, the 2012 reform package received Members' support and the proposal on "one-person-two-votes" was endorsed. We have already given an account of all these.

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

Unauthorized Changes in Land Use

3. **DR RAYMOND HO** (in Cantonese): *President, it has recently been reported that the garages of a number of residential buildings were converted into residences or shops by their owners, while some switch rooms of residential buildings were also converted into shops for lease. The affected residents and owners' corporations (OCs) had repeatedly written to various government departments for assistance during the past 20 odd years, and received a reply from the Buildings Department (BD) in recent months, saying that as the illegal structures did not affect the building structure and obstruct the fire escapes, they were not categorized as unauthorized building works (UBWs) prioritized for removal; hence the BD would only issue letters to the owners advising them to demolish the illegal structures themselves. In this connection, will the Government inform this Council:*

- (a) *of the respective roles played by the various relevant government departments in the above matter;*
- (b) *why the Lands Department does not prosecute the aforesaid owners for violation of land use and order the owners to restore the non-compliant properties to their original use; and*
- (c) *why the BD does not invoke relevant legislation to immediately order the non-compliant owners to demolish the illegal structures?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, my replies to the three parts of the question are as follows:

- (a) Changes in use of land and buildings are mainly regulated by the Town Planning Ordinance, land leases, the Buildings Ordinance and the deeds of mutual covenant. Relevant departments will deal with cases involving changes in use of land and buildings in accordance with the relevant legislation, policies and land leases.

The Town Planning Ordinance provides a framework for land use planning. Outline Zoning Plans, prepared in accordance with the Ordinance, clearly stipulate the land use zones and planning intentions for different zones in the different districts.

A land lease is executed mainly to regulate the use of a particular piece of leased land. It is a contract signed between the Lands Department, acting in the capacity as landlord on behalf of the Government, and the lessee, commonly known as the "lot owner". Different land leases are entered into at different times having regard to the different situations of the different pieces of land concerned. The conditions of a land lease should be interpreted in accordance with the rules of interpreting contracts. When there is a breach of lease conditions by the lot owner (for example, the lot owner changes the use of land without the Lands Department's consent), the Lands Department will play the role of lease enforcement.

Regarding the Buildings Ordinance, generally speaking, two types of situations will have to be dealt with such as where a domestic building's garage is converted into a residence or a shop. One is building works contravening the Buildings Ordinance (illegal building works), commonly known as UBWs; the other is change in use of buildings.

Illegal building works generally refer to building works not exempted from approval and carried out without the approval of the Building Authority under the Buildings Ordinance, or building works that are exempted but contravene the requirements and standards of the Buildings Ordinance. Examples of illegal building works include indoor additions or alterations that cause overloading

of the floor, alterations or removal of structural parts of building (such as structural walls or beams and columns), and making of openings on fire resistant partition walls to serve as doorways leading to contravention of the requirements of fire escape, fire resistance constructions, and so on. The BD has all along been following the established policies to tackle UBWs and accord priority to those requiring immediate enforcement, covering mainly UBWs which constitute obvious or imminent danger to life or property, are newly constructed and constitute serious hazards or serious environmental nuisance.

As regards the second type of situations involving changes in use of buildings, under the requirements of the Buildings Ordinance, prior notice should be given to the Building Authority of any intended material change in the use of a building by the person concerned. The Ordinance stipulates that the use of a building shall be deemed to be materially changed if the carrying out of building works for the erection of a building intended for such use would have contravened the provisions of the Ordinance. Where in the opinion of the Building Authority any building is not suitable for its present or intended use by reason of its construction, he may issue orders to prohibit such use. As in the case of handling UBWs, the BD will accord priority to deal with those cases involving changes in use of buildings which constitute serious danger to life or property, or those which constitute serious environmental nuisance.

If a change in use of building involves fire safety issues or poses fire hazards, the Fire Services Department will also, in accordance with the Fire Services Ordinance and taking into account the fire hazard present, consider serving a fire hazard abatement notice to request the abatement of the fire hazard.

Moreover, if a change in use of building contravenes the deed of mutual covenant, affected parties can take appropriate actions through the conditions provided in the deed to protect their interests. As regards any suspected acts contravening the provisions of the deed, the owners and the OC can apply to the Lands Tribunal to resolve the issue through legal proceedings.

- (b) As the question does not provide the details of the case, I can only give a general response. In general, upon receipt of an enquiry or a complaint related to a piece of leased land, staff of the Lands Department will conduct site inspections. If a breach of lease conditions is established, the Lands Department will, after seeking legal advice, take appropriate lease enforcement actions at different stages. Taking the example of dealing with a case involving a change in the use of a garage or a switch room as mentioned in the question, the Lands Department will first establish whether there is a breach of the lease conditions (in fact, as we all know, there are cases that do not involve a breach of lease conditions). If the Lands Department considers that there is a breach of lease conditions, it will normally issue a warning letter to the lot owner concerned requesting rectification of the irregularities. If the lot owner does not rectify the irregularities by the deadline, the Lands Department may register the warning letter at the Land Registry, commonly known as "imposing an encumbrance", to inform the public of the irregularities concerned. It is believed that the public will be prudent in considering whether to purchase or rent any premises on a piece of land where an encumbrance against the land title has been registered. The imposition of an encumbrance will also arouse the concern of the creditor of the lot owner (if applicable). Besides, where a lot owner applies for regularization of a breach of land lease conditions, the Lands Department will process the application in accordance with the applicable procedures. If the application is approved, the lot owner will have to comply with the relevant approval conditions, such as payment of a land premium or waiver fee. However, if the application is rejected, the Lands Department will resume the lease enforcement action.

As stated in part (a) of my reply to the question, the Lands Department acts in the capacity as landlord on behalf of the Government to enforce lease conditions. Such lease enforcement actions are different from prosecutions made under certain legislation.

- (c) Similarly, as we do not have the details of the case, we are unable to provide the particulars of the follow-up actions taken by the BD

regarding the case. Generally speaking, the BD has up to now been following the policies to deal with UBWs established in 2001, and has been focusing on tackling UBWs under specific categories to ensure public safety. The 10-year UBWs demolition programme will be completed in March next year. By then, the BD will have removed over 400 000 UBWs posing serious hazard to the public or possessing imminent danger.

In order to more effectively enhance building safety in Hong Kong, the Chief Executive announced in this year's Policy Address that the Government had completed a comprehensive review of the measures to enhance building safety. We will implement a package of new measures and adopt a multi-pronged approach covering legislation, enforcement, support to owners and public education to comprehensively enhance building safety. The Development Bureau has already issued a Legislative Council brief on the proposal, and I have also briefed the Panel on Development on the proposal recently. I am pleased that Members are generally supportive of the whole proposal.

DR RAYMOND HO (in Cantonese): *According to the Secretary, the BD (that is, the Building Authority) has adopted the same principle in handling cases involving illegal building works and changes in use of buildings. That means priority will be accorded to cases involving changes in use of buildings which constitute serious danger to life or property, or serious environmental nuisance, or those which have fire safety issues or pose fire hazards. Separately, in parts (b) and (c) of her main reply, the Secretary pointed out that my question did not provide details of the case. However, there are already in-depth reports in the press about these cases involving changes in use of buildings, such as the conversion of garages into shops, residences or other similar uses. The situation has become so prevalent that such cases were reported in the press for several days and the case at Repulse Bay Road has also been mentioned. But according to the BD's reply, the Department did not intend to take any further action on the said case. In other words, the BD has decided that no action will be taken for this case, which is not the same as what the Secretary has said about this not being a priority case. Is there any contradiction between the two?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Dr HO for his supplementary question. In fact, as I mentioned in the main reply earlier on, we have established a set of policies for the removal of UBWs in 2001. Under these policies, on account of the limited manpower in the BD and the presence of over 800 000 UBWs in the territory, action priorities have been set. Specifically, enforcement action against seven categories of UBWs will generally be taken as a priority. Therefore, we will apply the same enforcement policy against all cases, irrespective of whether they have been reported in high or low profile. Focusing on Dr HO's question, there is basically no contradiction. The proposed course of action given in the BD's reply is in line with our existing enforcement policy against UBWs.

PROF PATRICK LAU (in Cantonese): *President, I would like to ask a relatively simple question. If an ordinary citizen buys such a property, say, having a bedroom converted from a garage — which, according to my understanding, is obviously an illegal structure — how can he know about this? If he only finds out this situation after he bought the property, what sort of protection can he get? I would like to seek a clear reply from the Secretary, what can an ordinary citizen do in this case?*

SECRETARY FOR DEVELOPMENT (in Cantonese): First of all, we cannot say categorically that all cases involving the conversion of garages into other uses are illegal. A decision must be made on a case-by-case basis. As I just said in the main reply, there are two types of irregularities: one is the breach of lease conditions; the other is the breach of the Buildings Ordinance. However, the breach of lease condition does not involve an issue in law, it is a matter of contract enforcement. Prof LAU should know very well that if the site in question is situated in the relatively urban areas on the Hong Kong Island or Kowloon Peninsula, it probably comes under an unrestricted lease. As such, once cannot say that a specific land use has contravened the land lease because such a condition does not exist. However, if any changes not allowed in the land lease have been made, the Lands Department will, as I have mentioned in the main reply, take different actions at various stages, and the final move is to impose an encumbrance on the property. The merit of this practice is that prospective buyers or tenants can learn about the irregularities by checking the lease.

The situation is the same for cases involving the Buildings Ordinance. We must first decide whether the conversion of a parking space to other uses constitutes an illegal building work. This is not a conclusion to be drawn haphazardly or categorically because every case has to be determined on a case-by-case basis. If illegal building works are involved, notwithstanding the BD's current enforcement policy on the removal of UBWs, actions may not be taken immediately. However, warning letters will be issued to advise the owners to rectify the irregularities themselves. If appropriate, we will register the warning letters at the Land Registry so that prospective buyers or tenants of these properties will know about the situation.

PROF PATRICK LAU (in Cantonese): *President, is the Secretary saying that every time*

PRESIDENT (in Cantonese): Prof LAU, you can only repeat the part that you think the Secretary has not answered.

PROF PATRICK LAU (in Cantonese): *Maybe let me put it to her this way*

PRESIDENT (in Cantonese): If you want to raise another supplementary question, please wait for your turn again.

PROF PATRICK LAU (in Cantonese): *Yes.*

MS AUDREY EU (in Cantonese): *President, I have very often received cases in which the UBWs had already existed when the property was bought. These UBWs were built by developers and may have existed for some 30 or 40 years. I have read through the Secretary's main reply and one of the main points is about imposing an encumbrance for a breach of lease conditions. But these cases do not involve any breach of lease conditions. Of course, I understand that enforcement actions would be taken against UBWs which constitute serious hazards. But these UBWs have neither posed any threat nor violated any building safety standards. On the contrary, the removal of these UBWs may*

cause hazards because they have existed for some 30 to 40 years. Some examples involve the covering of light wells or the addition of balconies, while some of course involve changes in use of buildings. But they do not involve any breach of lease conditions, deeds of mutual covenant or the Town Planning Ordinance, nor constitute any problems in terms of building safety, except that the current state of the building is different from the plans initially submitted by the developers.

Given the above, my supplementary question is: is it that nothing can be done under this circumstance? The Secretary mentioned regularization of irregularities in the main reply. I would like to ask how many applications have been successful? What kinds of irregularities are involved? Is there any data on what types of people can apply for regularization? If there is no successful case, will the situation of "let sleeping dogs lie" arise, that is, the owners would rather stay put because if his application is rejected, it might instead trigger off actions by the authorities? President, I hope the Secretary can give a specific reply.

SECRETARY FOR DEVELOPMENT (in Cantonese): The problem mentioned by Ms Audrey EU is exactly what we find when dealing with issues about building safety and the removal of UBWs in recent years. Nonetheless, according to the Buildings Ordinance, all UBWs are illegal because they have not been unauthorized. The mere fact that they have existed for a long time does not make them legal.

In addition, the channel of regularization mentioned in the main reply only applies to a breach of land lease conditions. There is no such channel under the legislation enforced by the BD. In this respect, two initiatives under our new policy on enhancing building safety are related to this problem. First, in response to concerns in the community, we will take more vigorous enforcement actions against UBWs. In other words, actions would be taken to remove all illegal or unauthorized works under the Buildings Ordinance, that is, the so-called UBWs, irrespective of whether they pose any immediate threat. However, we understand that this initiative may be more unsettling for the owners because they consider that these structures, which have existed for a long time, would not pose any immediate threat. But for the sake of enforcing the law and protecting public safety, this initiative of taking vigorous enforcement actions seems to have the endorsement of society.

Second, for UBWs such as those minor structures related to livelihood needs or authorized signboards erected for business purpose, but are in fact illegal, we have already provided an escape route. As Members may recall, the legislation providing for the establishment of the Minor Works Control System has been passed. Under the new package of measures, we will introduce a control scheme of signboards. This scheme will work together with the minor works control system to provide an escape route for specified types of existing UBWs as their continued use will be allowed after safety checks by qualified personnel. However, this control regime will only apply to very minor building works such as supporting frames for air-conditioners, drying racks and small canopies, as well as signboards relating to business operations.

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

MS AUDREY EU (in Cantonese): *President, the Secretary has not answered part of my question because the problem is not just about these UBWs having existed for 30 to 40 years, but also the safety risks that might instead be created by their removal. For incidence, in the examples I just cited, some balconies are in fact part of the building and for some light wells, the developers have covered the void area in the middle before putting up the units for sale. As some of these buildings were built 30 years ago, it might create certain safety risks if the openings are to be restored. My question is what should be done under these circumstances? As mentioned by the Secretary, notwithstanding their existence for 30 years, all UBWs must be ordered for removal through enforcement actions. For many people, especially the elderly,*

PRESIDENT (in Cantonese): I believe you have put your supplementary question very clearly.

MS AUDREY EU (in Cantonese): *..... it will create a lot of difficulties for the elderly.*

PRESIDENT (in Cantonese): Secretary, please reply.

SECRETARY FOR DEVELOPMENT (in Cantonese): First of all, on the technical side, even if an removal order has been issued, we would require the owner concerned to remove the UBWs under absolutely safe conditions. In a recent court case which is of relevance to the situation mentioned by Ms EU, the Court has ruled in favour of the owner because he can prove that the structure concerned has existed all along. We are now studying the judgment of the case to consider whether any change in policy implementation is needed in future.

MR IP KWOK-HIM (in Cantonese): *President, the Secretary has mentioned about the breach of lease conditions in part (b) of the main reply. This is related to the erection of illegal structures, which in turn is related to safety and profits. Regarding profits, owners of illegal structures can sell them for a profit even though it constitutes a breach of lease conditions. As several Members have pointed out earlier on, the owners may convert garages into residences to make money because these could sell for several hundred thousand dollars or even up to one or two million dollars. My supplementary question is, given the Secretary has said that a breach of land lease conditions can be regularized if the relevant application is approved and certain fees (such as land premium or waiver fee) paid, whether there is any public participation in the process? At present, the public has expressed strong views that the real purpose of allowing such regularizaion is money. In this regard, is the public only allowed to watch while the Government is making money, without any channels to express their concern about the possible impact of such regularization on the landscape and land use of the site?*

SECRETARY FOR DEVELOPMENT (in Cantonese): Just now, Mr IP talks about the regularization of a breach of land lease conditions. His understanding is correct. Many landowners have invariably acted out of commercial considerations when they change the use of a site in breach of the lease conditions.

However, the execution of land lease is different from the enforcement of laws and hence, the Lands Department (acting in the capacity as landowners on behalf of the Government) will try to understand the situation and consider whether regularization should be granted. In consideration of the commercial value of the land, we will charge a waiver fee which is determined according to

the value added as a result of the changed land use. As in the commonly known cases involving the conversion of industrial building units for alternative use, regularization is also effected through the charging of a waiver fee.

Of course, the society has become more open. Although land leases are entered into between the Government as the landowner and the lessee, the Lands Department would also take into account public concern when considering whether approval for regularization should be given in certain cases.

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

MR IP KWOK-HIM (in Cantonese): *The Secretary has not answered the part about public participation. She mentions about taking into account public concern. But is there any way the public can actually voice their views or get engaged in the process?*

SECRETARY FOR DEVELOPMENT (in Cantonese): I can only stress that the execution of land leases and the enforcement of laws follow two completely different mechanisms. In the execution of land leases, we are in fact the landowner. Whenever these matters go to court, we have always maintained that it is a question of private law. Therefore, it is not appropriate to introduce public participation in the process. Otherwise, the work of the Hong Kong Government in handling land issues will become extremely complicated as a result. However, as I said just now, being an open and broad-minded government as we are now, the Government will definitely consider public views on each and every application for regularization. In other words, I can make a statement here that we will not support these regularization applications categorically in the hope of getting more waiver fee payments.

PRESIDENT (in Cantonese): This Council has spent almost 22 minutes on this question. Fourth question.

Measures to Enhance Private Building Management

4. **MR CHAN KIN-POR** (in Cantonese): *President, the Chief Executive has announced in the Policy Address just delivered that the Government will adopt a number of measures to enhance private building management, including the proposal of establishing a statutory licensing regime for the property management industry to monitor the operation of property management companies and ensure the quality of their services. It will also strengthen its support for owners of properties in old buildings and embark on a series of initiatives to help owners and owners' corporations (OCs) better understand their rights and responsibilities. In this regard, will the Government inform this Council:*

(a) *how it ensures that in implementing the licensing regime for the property management industry, the small and medium property management companies have room for survival;*

(b) *focusing on the fact that owners of properties in old buildings are mostly the elderly and the grassroots, what specific new measures the authorities have planned to implement to help these owners form OCs, and of the details of the one-stop professional building management services which will be provided by the dedicated working group to be established; and*

(Before I put forth part (c) of the question, I have to declare interest, I am the Member from the Insurance Functional Constituency and an advisor of an insurance company.)

(c) *in the implementation of this measure, whether the Government will make it mandatory for property management companies to take out professional indemnity insurance so as to enhance protection for property owners who hire property management companies?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *President, regarding the work in building management, the Government provides a legal framework and support services to discharge their management responsibilities. The Government will introduce a number of new initiatives in building management*

to help various stakeholders (including owners, OCs and the building management industry) to manage and maintain their buildings properly.

The reply to the three parts of the question is as follows:

- (a) We consider that implementing a mandatory licensing regime to establish the basic standards for services provided by the property management companies can enhance and ensure the quality of property management services. We are aware that some small and medium property management companies are concerned about the impact on their operational cost if the threshold for obtaining a licence is too high. There are views that consideration may be given to providing different levels of licences to enable small and medium property management companies which comply with the minimum requirements to obtain lower level licences, while larger and more experienced ones may apply for higher level licences. As such, property management companies with different background may continue to provide services to different types of buildings provided that they have met the prescribed requirements. The impact of the licensing regime on the industry can also be reduced to the minimum. We will embark on a public consultation next month to listen to the views of the industry.
- (b) We are concerned that although some owners of properties in old buildings recognize that it is their responsibility to maintain and manage their buildings, they are willing but unable to do so owing to limited financial resources or other reasons. Therefore, we intend to further enhance the support to owners of properties in old buildings by collaborating with the expert teams formed by property management professionals to pay visits to households in the target building clusters, provide owners with technical advice required, and produce building management audit reports with suggestions to enhance building maintenance and management. The expert teams will also assist owners and OCs to hold meetings to consider improvement plans, apply for various loan and assistance schemes, prepare tender documents for maintenance works, follow up on tender evaluation and implementation, provide training on management, and so on. Along with the expert teams, District

Offices (DOs) will assist in the formation of OCs for buildings, including offering assistance in convening general meetings for owners.

- (c) We note that there are views that property management companies should take out professional indemnity insurance. Should acts of professional negligence result in losses suffered by owners and OCs, any liability engendered shall be compensated. We will listen carefully to the views of various stakeholders during the public consultation, including whether the Government should make it mandatory by legislation for property management companies to take out professional indemnity insurance.

MR CHAN KIN-POR (in Cantonese): *President, old buildings which have not yet formed OCs must be facing problems that are difficult to be resolved. For instance, the owners may be very old or no one is willing to shoulder the responsibilities of OCs. Apart from the expert teams mentioned by the Secretary in the main reply, has the Government examined the feasibility of providing some short-term subsidies to assist the owners of these old buildings to form OCs?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *President, our expert team will recommend to owners of these old buildings the options and regimes now available for obtaining subsidies, such as applying to the Hong Kong Housing Society for subsidy. The scheme on expert team has already been implemented, and the target of the scheme is to provide free professional management advice to owners of 1 000 units in old buildings. Since the commencement of the scheme in April, assistance has been provided continuously to owners of old buildings, which includes briefing them on resources available for maintenance.*

MR IP WAI-MING (in Cantonese): *President, I would like to ask the Secretary, since property management companies often provide security and guarding services, when consultation is conducted in future, will complementary measures be included in the legislation to bring it in line with the existing legislation on the security and guarding industry? In single-block buildings, some watchmen may only hold a general permit for watchman, but not the permit for security guard*

which is at a higher level. As such, I would like to know if the Government, in formulating the relevant legislation, has taken into consideration the property management companies which also provide security guarding services? What complementary measures will be introduced and in particular, how will watchmen of single-block buildings be taken care of?

SECRETARY FOR HOME AFFAIRS (in Cantonese): A regulation system is now in place for watchmen or security guards. As for large housing estates, the property management companies concerned will surely be responsible for arranging the provision of cleaning, security and guarding services. As for single-block buildings that OCs have not been formed and property management companies have not been hired, the security and cleaning work are taken up by staff employed by owners. Regarding the current management approach of these single-block buildings, after listening to public views, we incline to consider exempting them from the mandatory requirement of hiring property management companies for management work. In other words, single-block buildings may continue with the existing practice of employing staff to provide simple cleaning and guarding services. We will listen to the views of various sectors during public consultation before deciding whether or not such exemption will be granted.

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

MR IP WAI-MING (in Cantonese): *No, it has not. President, the Secretary said earlier that some single-block buildings*

PRESIDENT (in Cantonese): You only have to repeat the part of your supplementary question that has not been answered.

MR IP WAI-MING (in Cantonese): *In what way will the Secretary consider assisting these watchmen in future? Since some of the small single-block buildings have formed OCs to employ*

PRESIDENT (in Cantonese): Please repeat the part of your supplementary question that you think the Secretary has not answered.

MR IP WAI-MING (in Cantonese): *When consultation is conducted in future, how will the Secretary assist this group of watchmen? Some of them may*

PRESIDENT (in Cantonese): Mr IP, I think this is a new supplementary question. You may wait for another turn.

MR IP WAI-MING (in Cantonese): *Alright.*

MR KAM NAI-WAI (in Cantonese): *President, Mr CHAN Kin-por asked earlier what incentives the Government would offer to encourage owners to form OCs. Actually, many incentives, such as subsidies, have now been provided, but members of OCs have to bear more and more responsibilities. Yesterday, as we know, the requirement on compulsory third party risk insurance has already prompted the resignation of some members of OCs. I even learn that some OCs may dissolve. I hope the Government will not impose too many requirements. There are too many responsibilities, and the mandatory building inspection scheme will be introduced in future.*

Actually, in the past, we have discussed and examined whether the Government, in particular the Home Affairs Bureau or DOs, have the manpower to provide direct assistance to buildings that are going to form or have already formed OCs; and to provide, on a continuous basis, support to owners of these buildings on building management. May I ask whether the Secretary will promise to increase manpower, particularly when the mandatory building inspection scheme and the compulsory third party risk insurance are to be implemented in the near future, so as to provide direct assistance to owners of private buildings in forming OCs and to provide, on a continual basis, legal support with regard to the operation of OCs? Will the Government provide such assistance?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, we will first focus on the so-called "Three-Nos building", particularly old buildings that have not formed OCs. First, we will focus on the work in this respect. As in my earlier reply to Mr CHAN, the expert team has commenced a series of work targeting these buildings starting from this year. Our work will focus on 50 buildings in the old building clusters. We will provide relevant services to owners of 1 000 units in 50 old buildings. Colleagues from DOs will team up with professionals in building management, say employees from property management companies, to pay visits to households in these old buildings and provide relevant services. We have obtained some resources for expanding the scope of our work next year. Instead of the existing target of 50 buildings, we will extend our service targets to some 400 to 500 old buildings, assisting owners to form OCs. In other words, starting from next year, the number of buildings benefiting from the services will increase from 50 to 500, from 1 000 households to 4 000 to 5 000 households, and even to the extent of 8 000 to 10 000 households.

MR KAM NAI-WAI (in Cantonese): *President, President*

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

MR KAM NAI-WAI (in Cantonese): *My supplementary question is whether the Secretary would undertake to increase manpower, so that DOs can provide direct assistance to old buildings both have and have not formed OCs, and offer continual support to owners? This is my supplementary question.*

PRESIDENT (in Cantonese): Secretary, will you reply on the increase in manpower and provision of direct assistance.

SECRETARY FOR HOME AFFAIRS (in Cantonese): In relation to manpower, we have increased some resources now. We will carry out the work together with professional management companies.

MR ALAN LEONG (in Cantonese): *President, I think the Secretary has not answered the supplementary question of Mr KAM. President, the Secretary surely understands that the formation of OCs, more often than not, is the beginning of bad dreams. According to the main reply of the Secretary, the Government will start a public consultation by the end of this year. May I ask the Secretary, in the latest round of legislative work or in amending Cap. 344 of the Laws of Hong Kong, will the Government consider the strong consensus and proposals previously raised by this Council in approving the amendments to Cap. 344? This Council proposed the establishment of a tribunal specialized in handling disputes and problems arising from Cap. 344 for OCs. If the Government will not consider this, will it put in place a mediation mechanism to help the OCs? I would like to know if the Secretary has this idea and plan in mind.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *President, on the question of whether a tribunal will be established, it is out of the scope of the licensing for property management companies. Regarding the establishment of a tribunal, this issue has been discussed a number of times in the Legislative Council in the past. According to the views we collected so far, the establishment is superfluous from the perspective of the judiciary regime. We still maintain this view now.*

MR WONG KWOK-HING (in Cantonese): *President, the trade and I have strongly requested the establishment of a licensing regime for the regulation of property management companies. I welcome that the Secretary eventually agrees to consider accepting our request. During the last amendment of the Building Management Ordinance (BMO), the trade had come to the Legislative Council to express their strong views about this.*

I would now pose my supplementary question to the Secretary. According to the main reply and the earlier reply of the Secretary, he will conduct a public consultation by the end of this year or by next month. May I ask for more details, that is, how long the public consultation will last? As the Secretary will, upon reaching a conclusion, submit a paper to the Legislative Council on the relevant legislative or policy work first before the drafting work, when will the drafting work of the legislation start? Will the Secretary provide Members with a detailed timetable and a roadmap, so that we will know that the Government

will commence the legislative work on the regulation and licensing of property management companies before the expiry of the current-term Legislative Council?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, we plan to make a decision within the first half of next year. If the outcome of the public consultation shows that the public support the proposal, we will work along the line of imposing a licensing regime on property management companies, and employees in the property management trade will have to pass certain eligibility assessments. Therefore, we have to give existing employees in the property management trade the time to attain these qualifications. We understand that universities in Hong Kong, such as The Hong Kong Polytechnic University and the University of Hong Kong, normally offer courses of a three-year duration. We wish to allow some time for existing employees in the trade to obtain the qualifications or academic qualifications in property management. In this three-year period, we hope that the relevant legislative work will also be completed.

MR RONNY TONG (in Cantonese): *President, the operation of property management companies brings handsome profit. Under the legislation, it is rather difficult for residents to terminate a contract with a management company as a rather high threshold is stipulated under the existing ordinance. I wonder if the Secretary knows this. In fact, many residents have lodged complaints to Members of the Legislative Council, saying that when they intend to terminate the contract with a management company, the company has, owing to its special position, often taken advantage of its power to disrupt the communication among residents or influence the voting preference of residents due to the conflicts of interest involved. The Secretary may have learnt from recent press reports that many OCs have failed to terminate their contracts with management companies despite repeated attempts, even when those management companies are fraught with problems, particularly in the financial dealings.*

May I ask the Secretary: first, is he aware of these problems; second, with the establishment of the licensing regime, will the Secretary consider drawing up guidelines to prevent management companies from abusing their power to inhibit residents from proposing the termination of management contracts?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the issues raised by Mr TONG in his supplementary question can be included for consideration in the public consultation. We know that in the case of some large housing estates, since the Deed of Mutual Covenant is in the hands of major developers, these developers will continue undertaking the management of those housing estates. During the public consultation, we intend to examine the compulsory compliance of a professional code of practice under the mandatory licensing regime. This is also one of our considerations.

MR RONNY TONG (in Cantonese): *President, I do not understand. Does the reply of the Secretary mean that he will consider introducing some guidelines? Is this what he means?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): We will bring up this issue for consideration in the public consultation.

MR FREDERICK FUNG (in Cantonese): *President, in certain old districts such as Sham Shui Po, Tai Kok Tsui, old Hung Hom, Kwun Tong, Wan Chai and Sai Wan, there are many six-storey to seven-storey private buildings whose owners are relatively old. OCs cannot be formed in these buildings either because the owners are unwilling to do so or the owners cannot be located. I estimate that the forming of OCs will be impossible for 10% to 20% of these buildings.*

I would like to ask the Secretary, as mentioned in part (b) of the main reply, if OCs cannot be formed for certain buildings despite hard effort made by the Government, will the Government consider empowering the Secretary to appoint a manager, so that the manager will hire a management company for the building concerned? The tenet of this proposal is to avoid imposing mandatory requirements on every aspect, as under the present practice, such as maintenance, taking out insurance, inspection of electricity facilities, pipes and sewage facilities, and so on. It is just impracticable to make every task mandatory. The most important point is that a mandatory requirement must be imposed to require these buildings to be under professional and full-time management of a management company. May I ask the Secretary whether he

has considered the option of empowering the Secretary to appoint a manager and allow the manager to hire a management company?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the Chief Executive has also put forth this proposal in the Policy Address this year. It is said that amendments to the existing BMO will be considered, so that the Secretary for Home Affairs will be empowered to enforce the appointment of certain persons to specialize in the management of buildings, particularly the maintenance of old buildings, when necessary. We consider that as a start, it is necessary to set up a licensing regime for property management companies, so that a primary benchmark for regulation can be established. After ensuring that property management companies are qualified for licensing, if the Secretary for Home Affairs is granted this power under the future amendment to the BMO, the Secretary may identify and appoint professional management companies to undertake the management of old buildings.

PRESIDENT (in Cantonese): This Council has spent nearly 21 minutes on this question. The fifth question.

Rejection of Coins by Shops

5. **MR CHEUNG HOK-MING** (in Cantonese): *President, it has been learnt that in recent years, quite a number of retail shops and traders in markets refuse to accept small-denomination coins (such as 10-cent, 20-cent and 50-cent coins) as payment because banks will charge a handling fee for deposit of such coins. It has also been reported that recently a trader and his customer were involved in a scuffle because the trader refused to accept coins. In this connection, will the Government inform this Council:*

- (a) *given that in their reply to a question from a Member of this Council on 4 July 2007, the authorities stated that the Hong Kong Monetary Authority (HKMA) considered that the demand for and circulation of coins had not been affected by rejection of small-denomination coins, whether they have assessed if the situation is different now; and of the number of relevant complaints received by the HKMA in*

the past three years, as well as the value of the various types of small-denomination coins in circulation and the respective changes in percentage in each year during the period;

- (b) *given that I have learnt that rejection of small-denomination coins is very common, whether the authorities will review the existing relevant legislation and take administrative measures to improve the aforesaid situation; and*
- (c) *whether it knows the situation of provision of free services for coin deposit and exchange by banks to the public at present; and whether the authorities will take any effective measure to encourage banks to waive the fee for those customers who deposit or exchange a small quantity of small-denomination coins?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, the Administration's reply to the question is as follows:

- (a) We have been monitoring the circulation of small-denomination coins. In the past three years, the HKMA has received 28 complaints from the public about retailers refusing to accept small-denomination coins for payment. In the first nine months of 2010, two complaints were received. These incidents have no impact on the circulation of currency in Hong Kong. The demand for coins, which tends to vary with the economic cycles, has continued to increase slightly in recent years. The relevant figures are listed in the Annex of my reply. Please refer to the following table:

<i>Number (Millions)</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010 (End September)</i>	<i>September 2010 versus 2007</i>
10 cents	1 457	1 472	1 492	1 512	+55 (+3.8%)
20 cents	1 040	1 048	1 058	1 065	+25 (+2.4%)
50 cents	642	654	666	671	+29 (+4.5%)

- (b) Section 2(1) of the Coinage Ordinance (Cap. 454) provides that coins issued by the Chief Executive in Council shall, provided they have not been dealt with in any manner prohibited by law, be legal tender for payment as follows:
- (i) for coins of denominations of not less than \$1, for the payment of an amount not exceeding \$100; and
 - (ii) for coins of denominations of less than \$1, for the payment of an amount not exceeding \$2.

Coins are by law regarded as valid and legal means of payment and, subject to the above conditions being met, they will be taken as legal tender to adequately and effectively fulfil payment obligations. In other words, coins can be used to make outstanding payments. However, as in all commercial transactions, both parties can determine the terms of transaction on their own, including the means of payment. Whether to accept coins of any denomination as payment is purely a commercial decision for shops. The Coinage Ordinance does not confer any authority upon the Government to request shops to accept coins.

We have also studied the laws relating to "legal tender" in other countries and how they are enforced. We understand that most countries, including the United Kingdom, Canada, Australia, the United States and Singapore, have laws on "legal tender" to establish the legal status of their currencies. However, they do not have legislation to compel the public or shops there to accept local currencies as means of payment. In these countries, buyers and sellers can determine the means of payment on their own, which is similar to the situation in Hong Kong.

We believe that the current arrangement of allowing both parties to a transaction to determine the payment method is conducive to the development of other means of payment (such as electronic money), which is beneficial to Hong Kong's economic development. This open stance also keeps Hong Kong on a par with other countries. On the contrary, using administrative measures to prohibit shops

from refusing to accept legal tender currency would discourage the use of other electronic means of payment. It would also cause inconvenience to business operators.

Based on the above considerations, we do not consider it necessary to amend the existing legislation.

- (c) Most banks, including the three note-issuing banks, provide coin-deposit services free-of-charge for a maximum of 300 to 1 000 coins a day. Banks may charge a fee to cover the operational expenses if they are asked to handle large quantities of coins. But in doing so, they must follow the HKMA's guidelines and disclose the details of the fees clearly in order to facilitate customers' comparison.

MR CHEUNG HOK-MING (in Cantonese): *President, the Secretary has, in the penultimate paragraph of part (b) of the main reply, stated, "(We) believe that the current arrangement of allowing both parties to a transaction to determine the payment method is conducive to the development of other means of payment (such as electronic money), which is beneficial to Hong Kong's economic development On the contrary, using administrative measures to prohibit shops from refusing to accept legal tender currency would discourage the use of other electronic means of payment." And based on this reason, the Government has refused to amend the legislation.*

In this connection, I wish to ask the Secretary Although I agree with his remark just now, I urge him not to forget the fact that there are many small shops in markets over the territory. I believe it will take a relatively long time for all these shops to switch to use electronic money as the means of payment. In the meantime, does the Government have any feasible measures in place to assist the public if it does not plan to amend the legislation?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): *President, in fact, I was referring to a general situation just now in my reply. If a law is laid down to prohibit shops from refusing to accept coins, it means that all shops and institutions must accept coins as a means of payment*

at all circumstances. This will discourage the development of other means of payment. If no one is allowed to refuse to accept coins, coins may become the only means of payment for facilities such as parking meters. Thus, if this becomes a statutory requirement, such problems may arise. We do not wish to see such a situation.

Choosing the accepted means of payment is an commercial act. I certainly hope that shop tenants can put the convinience of customers as well as their commercial interests into consideration and come to an arrangement which is convenient to the customers. At present, as I have mentioned just now, banks do provide coin-deposit services for traders. A fee may be charged for the deposit of a large quantity of coins. This is, however, an arrangement between banks and traders. As far as I know, if traders have a friendly relationship with banks, the fee charged by banks will often be lowered.

MR LAU WONG-FAT (in Cantonese): *President, can the Secretary tell us, apart from banks which provide the service of exchangeing small-denomination coins (some banks still charge a handling fee), whether the Hong Kong Post provides this service free of charge at present? If it does, whether the Government will extensively publicize to inform the public of this service? If not, whether the authorities will consider requesting the Hong Kong Post to provide this service so as to make it more convenient for the public?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): *President, for the time being, we rely on banks to provide this service. Banks have many branches at different locations which can conveniently provide this service. As I have mentioned in the main reply just now, many banks provide coin-deposit service free of charge. According to our information, depositing 300 to 1 000 coins a day for each customer is free of charge. But for the deposit of large quantities of coins, as it involves more complicated procedures, banks will charge a handling fee of about 2% of the amount of money deposited. This is the figures we have at present. Judging from the present situation, we hold that the arrangement of letting banks be the major coin-collecting institution is convenient to their customers. Certainly, if more bank customers are aware of this service, they can deposit the coins they have at home into the banks. We do not see there is currently a need to ask*

other media or institutions, such as the Hong Kong Post, provide this service. We hold that banks are the best institution which can efficiently provide this service.

MR WONG TING-KWONG (in Cantonese): *President, I believe if the media has not recently reported on the dispute which involved the use of coins, many people in Hong Kong are not aware that section 2 of Cap. 454 of the Laws of Hong Kong has provided for the use of coins as payment.*

I wish to ask the authorities whether they will step up education and promotion, so that traders and the public will have a better understanding of this statutory requirement to prevent misunderstanding or disputes? If they will, how will they proceed? If not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): We can take Mr WONG's proposal into consideration. The public will then know how to handle and avoid these possible disputes and have a better understanding of the responsibilities laid down in the law. The public will also come to understand that a compulsory requirement will contrarily cause inconvenience to many business operators. For instance, the HKMA holds regular seminars on how to prevent the circulation of counterfeit banknotes and on authentication to identify such banknotes. We will explore the possibility of conveying this message to shop tenants, so that they can be more customer-oriented in handling such situations.

MR CHAN KAM-LAM (in Cantonese): *President, the Secretary indicated in the main reply that the amount of coins circulating in the market actually amounts to less than \$600 million, which is incomparable to the total amount of money represented by our currency. But we all know that every family more or less has some coins. According to a recent survey conducted by the Democratic Alliance for the Betterment and Progress of Hong Kong, more than 70% of the public said that they had about 200 or 300 10-cent, 20-cent or 50-cent coins at home. Obviously, this is not an issue of currency circulation, but an issue of how to exchange or use the coins at home in our daily life. May I ask the Secretary whether he has considered that even if the coin-exchange service is free*

of charge, the public still have to spend a lot of time queuing up at banks to exchange their coins? Will the Secretary discuss with banks to install coin-counting machines, so that people who wish to deposit large quantities of coins can make use of this machine to count the coins by themselves instead of asking the bank counter staff to do so? Will the Secretary consider this measure which can make people's life easier?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, installing coin-counting machines may involve large capital investment and I believe banks need to assess whether this is cost-effective, particularly because after exchanging all the coins they have at home in one go, the public do not need to use this service again. I hold that banks can step up publicity of this service, so that people will be able to know that they can deposit the unused coins at home into the bank. At present, some banks provide this service free of charge and some may even provide a free service of depositing as many as 1 000 coins. I hold that we can step up education and promotion through different media, so that the public will know that if they wish to get rid of their coins, one of the options is to deposit them into the bank. I certainly know that some people may not even know how many money they have at home. I believe if promotion efforts are enhanced, people so that they can deposit the money into the bank, rather than keeping them at home. This is worth doing.

MR RONNY TONG (in Cantonese): *I think the Secretary should face squarely this issue because it is indeed a big problem if our legal tender currency is not accepted by shops or the general public when used within the territory. I think the problem lies in the fact that small-denomination coins are depreciating in value and people are increasingly unwilling to handle coins because of their weight and size. Many shops are thus unwilling to accept small-denomination coins. May I ask the Secretary whether he has ever explored ways to improve the coins? Such as making them lighter in weight or smaller in size, so as to arouse the interest of the public to continue using them? Honestly, an overwhelming majority of the people do not use electronic payment. The Secretary needs to consider more practical means.*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, this actually reflects the condition of our economy; that is, many people would rather use electronic money. Moreover, the changes in commodity prices over the years have also reduced the quantity of small-denomination coins circulated in the market. All these reflect the objective condition of our economy. Can the situation be improved by making the coins lighter in weight? As far as I understand, the designs of coins have changed over the years. The 10-cent and 20-cent coins are already very light in weight. Will the public find it more convenient, or more inconvenient, to use an even lighter coin? I hold that we need to size up the situation before making a decision. I think the main issue is not trying to increase the circulation of small-denomination coins, because the circulation of coins is dependent on the changes of our economic condition. For example, 50-cent coins may be more commonly used than 10-cent or 20-cent coins. This changes with our habit of using coins. I thus do not echo that changing the designs of coins can encourage the public to use more small-denomination coins.

MR IP KWOK-HIM (in Cantonese): *At present, there is a need to use coins in a commercial society. For example, we cannot use electronic money to buy foods in markets. I wish we could, but it is infeasible in practice. Hence, we will inevitably accumulate some coins at home. However, a very realistic problem is, banks may reject or charge a fee for depositing coins. I thus hold that the Government is duty-bound to provide some mechanisms for people to exchange their coins into larger-denomination currency or for them to be able to use the coins. Thus, may I ask whether the Government can find more ways to tackle this problem, such as supporting banks to install facilities like the coin-counting machine which Mr CHAN Kam-lam has mentioned just now or setting a period of time at banks for people to exchange their coins into larger-denomination currency?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, as I have mentioned just now, some banks accept the deposit of as many as 1 000 coins free of charge. I do not know how many coins people may have at home, but if they can make use of the aforesaid service, they will be able to solve this problem. At present, many banks provide this service and the case which I mentioned just now in which a fee is charged mainly

applies to traders who deposit very large quantities of coins. As regards the public's needs to exchange coins, I believe banks have the capacity to handle their request. I do not think it is necessary to request banks to provide a grace period for people to exchange coins in one go because at present, they can do so at any time and the deposit of no more than 1 000 coins is free of charge. Thus, I beg to differ that banks are unable to address the problem. I hold that at present, we only need to inform the public that if they have many coins at home, they can desposit them into the banks at any time.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam, this is your second supplementary question.

MR CHAN KAM-LAM (in Cantonese): *President, regarding the coin-counting machine which I mentioned just now, banks may think that this may add to their operational costs. In fact, they may not need to install coin-counting machines. They can opt for an electronic scale which is very sensitive to and can calculate very small weight differences. I hope the Secretary can discuss this with banks. The point which I wish to ask is whether the Secretary will consider discussing with small traders or the Octopus Holdings Limited on how to extend the use of electronic money in the retail market?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, we also have to consider the actual operation. Not all small traders wish to use the Octopus cards as their means of payment because they have to make commercial arrangements with the Octopus Holdings Limited. So, not all traders wish to do so and many people prefer using coins at markets or for payment of transport fees. I thus hold that the two can co-exist. As regards the means of payment for transactions between traders and customers, it is subject to the types of transactions, such the amount involved and how to give the customers the small change. I believe different means of payments will be developed as businesses roll forward. This will be the best arrangement.

PRESIDENT (in Cantonese): Sixth question.

Co-operation in Modern Service Industries Between Hong Kong and Shenzhen in Qianhai

6. **MR WONG TING-KWONG** (in Cantonese): *President, the State Council gave approval to the Overall Development Plan on Hong Kong/Shenzhen Co-operation on Modern Service Industries in Qianhai Area (Qianhai Development Plan) at the end of August this year. According to the views of the State Council in its approval, the Qianhai Development Plan should fully capitalize on Hong Kong's strengths and explore a system that is conducive to the development of modern service industries, with a view to providing a new experience for the whole nation and playing a pilot role, as well as setting up a co-ordination mechanism led by the National Development and Reform Commission with the involvement of Hong Kong and Shenzhen to resolve the problems encountered in developing the Qianhai Area. In this connection, will the Government inform this Council:*

- (a) how the Hong Kong SAR Government will participate in the conceptualization of the Qianhai Development Plan, and whether it will take part in the work at different stages;*
- (b) of the latest arrangements about the aforesaid co-ordination mechanism, including when the mechanism will be set up and what its framework will be; and*
- (c) while Hong Kong's professional experience in modern service industries will steer the development in Qianhai Area, whether the authorities will, at the same time, examine what actual benefits and development opportunities the development of modern service industries in Qianhai Area will bring to Hong Kong; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): *President, the following is our reply to the questions raised by Mr WONG Ting-kwong:*

- (a) According to the consensus reached between the governments of Hong Kong and Shenzhen, the Shenzhen Municipal Government (SZMG) takes a leading role and is responsible for the development

and management of Qianhai, while the SAR Government plays an advisory role by providing comments on development planning as well as the study and formulation of related policies. The SAR Government has been maintaining close liaison with SZMG. Both sides have also set up the Joint Task Force on Qianhai Co-operation since November 2009 and have discussed the relevant issues on different occasions.

The SAR Government will continue to make the best use of the existing mechanisms and channels to complement the Shenzhen side in implementing the Qianhai Development Plan under the principle of "one country, two systems", with a view to encouraging Hong Kong enterprises and service providers to capitalize on the business opportunities presented by the development of Qianhai to tap into the Mainland market.

- (b) As the relevant authorities are now actively preparing for the implementation of the Qianhai Development Plan, specific arrangements for the setting up of the co-ordination mechanism have yet to be formulated. We will inform the Legislative Council, the media and the public once the arrangements have been formulated.
- (c) The promotion of modern service industries in Qianhai will be mutually beneficial to the future development of both Hong Kong and the Mainland by enhancing complementarities. On the one hand, this could help strengthen the competitiveness of Hong Kong service industries and open up the Mainland market so as to support the long-term economic development of Hong Kong. On the other hand, this can provide a platform for utilizing Hong Kong's experience to expedite the development of a modern industry structure in the Mainland. At present, the development of Qianhai is still at the planning stage. Part of the land is pending development by the Shenzhen authorities, and the detailed arrangements in pushing forward the Qianhai Development Plan have yet to be formulated by the relevant authorities. Thus, at the present stage, we do not yet have a detailed assessment on the economic benefits to be brought to Hong Kong by the development

of Qianhai. However, we are confident that the promotion of the development of modern service industries in Qianhai will create new room for economic development of Hong Kong. After three decades of opening up and economic reforms the industrialization of the Mainland's coastal areas has largely been completed, the development of service industries in Qianhai can bring about new opportunities to the financial, professional as well as other service industries of Hong Kong.

MR WONG TING-KWONG (in Cantonese): *President, I believe all of us know that Hong Kong/Shenzhen Co-operation in the development of Qianhai Area brings opportunities and challenges.*

I have noticed from the Secretary's reply that he is proactive and positive in this regard, but he has not assessed the major difficulties Hong Kong will encounter in the development of Qianhai Area.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we have actually conducted the relevant assessment. While there are opportunities, there are certainly challenges. From the 1930s to the late 1970s, in the wake of China's reform and opening up, there was ample room for our development on the Mainland. We have grasped the opportunity and enabled the manufacturing industries to extensively establish manufacturing companies on the Mainland; around 100 000 companies were established and 10 million workers were employed.

What is the crucial opportunity in the next stage? We should take advantage of the opening up of Qianhai Area, and allow our financial, professional and other services to secure a foothold in Qianhai Area with an area of 10-plus sq km in light of the Central Authorities' supporting the development of the service industries in Qianhai Area by the SZMG, and the policies to be supported by the Central Authorities in the future.

Given this opportunity, we can extend to Qianhai Area of Shenzhen our services market of 7 million people, develop the Pearl River Delta (PRD) services market of 50 million people, to be followed by the development of the market of over 400 million people in nine provinces in the PRD Region in the future.

Of course, we have to face up to the challenges. Some people worry about whether Hong Kong will be drained when our financial and professional services have been relocated to Qianhai Area and the PRD. After careful assessment, we opine that this will not happen because the leading financial services and the headquarters of banks and other financial institutions will remain in Hong Kong. Starting with Qianhai Area, we can establish more branches on the Mainland including Shenzhen and Guangdong, so as to generate business for the companies in Hong Kong. When they have a good grasp of and have actively participated in the relevant industries in Qianhai Area, the status of Hong Kong as a Renminbi service centre would be reinforced.

MR ALBERT CHAN (in Cantonese): *President, the issues concerning Qianhai Area include planning, economic, labour and financial matters, but it does not make sense to have the Secretary for Constitutional and Mainland Affairs answer this question, and that is why his answer is a complete mess.*

President, this question should be answered by the Chief Secretary for Administration because a number of policy areas are involved. I really do not know what duties the Constitutional and Mainland Affairs have in respect of financial, economic development, planning and labour.

President, I do not expect the Secretary to give an answer that makes any sense. I would like to put these words on record: transparency is the most essential point about Qianhai Area, and whether there is special transfer of benefits or not

PRESIDENT (in Cantonese): Mr CHAN, please raise your supplementary question.

MR ALBERT CHAN (in Cantonese): *President, I want my words to be put on record so that the Secretary concerned can later be asked to give a written reply. First, this is a very important issue but the Secretary concerned is not present*

PRESIDENT (in Cantonese): Mr CHAN, the Government is to determine which Secretary will answer questions raised by Members. The Government has assigned the Secretary for Constitutional and Mainland Affairs to answer this question today. So, please raise your supplementary question.

MR ALBERT CHAN (in Cantonese): *President, I just want to say that I am basically strongly dissatisfied because the Government has ignored the importance of this question, and I also have doubts about the duties of the Policy Bureau concerned. It is absolutely inappropriate for the Government to have assigned a "human tape recorder" to answer this question.*

DR RAYMOND HO (in Cantonese): *President, it seems that we do not have much specific information on the development and planning of Qianhai Area. As stated in the Secretary's reply, the SZMG takes a leading role and is responsible for the development and management of Qianhai Area, and the Government will continue to make the best use of the existing mechanisms and channels to complement the Shenzhen side in implementing the Qianhai Development Plan under the principle of "one country, two systems". In other words, the SZMG takes a leading role and we will play a complementary role.*

However, the Secretary later said that the specific arrangements for the setting up of the co-ordination mechanism have yet to be formulated. At the present stage, the Government has not conducted a detailed assessment on the economic benefits to be brought to Hong Kong by the development of Qianhai Area, but it is confident of the benefits.

President, I would like to ask the Secretary he certainly hopes that the future co-operation will facilitate the development of the service industries. Nevertheless, based on our experience on CEPA, we do not think this will bring any benefits to the professional services. Does the Secretary have any different opinions in this regard? Does he think that we were not successful then but we will have a chance to attain success this time? Why can we attain success?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I wish to emphasize again that the current mechanisms that we have set up with the Shenzhen and Guangdong sides serve practical purpose.

In respect of Guangdong/Hong Kong co-operation, large-scale annual conferences are held and we also hold annual meetings with the Shenzhen side on co-operation matters.

We have also set up a working group on the Qianhai Development Plan. This working group set up by Hong Kong and Shenzhen sides have already had a number of meetings.

On the other hand, the State Council has promulgated in late August that Guangdong, Hong Kong and the National Development and Reform Commission will set up a co-ordination mechanism in future. The co-ordination mechanism I have mentioned is still in the preparation stage, and it is going to match up with the co-ordination mechanism set up by the Central Authorities. At the regional level, we have established co-operative relationship with Guangdong and Shenzhen.

Dr Raymond HO asked about professional services. I can tell Members that Guangdong and Shenzhen are proactively making efforts, and they attach great importance to Hong Kong because our financial and professional services converge with international practices. Now that the industrialization of Shenzhen and the PRD has basically been accomplished, the Guangdong economy is expected to improve further. So, they would like to make better use of the energy and advantages of Hong Kong in respect of financial, professional and other services. Although the SZMG takes a leading role in the development of Qianhai Area and infrastructure projects, Shenzhen, Hong Kong and Guangdong will submit their ideas and suggestions to the Central Authorities and strive for the devolution of appropriate policies to a lower level. The development of Qianhai Area of Shenzhen will be more extensive within Guangdong's early and pilot implementation scheme. That is the idea and the direction that we have all along been working towards.

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

DR RAYMOND HO (in Cantonese): *President, the Secretary has not addressed an important point in my question. The Secretary hopes that the Qianhai Development Plan can mainly help the development of the financial and*

professional service industries, and according to the CEPA experience, we also wanted to develop these sectors at that time, but we were not successful. How can we have confidence that this plan is going to work this time? What is the difference? This is my question.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we have already obtained certain results under Guangdong's early and pilot implementation scheme and the CEPA. Let us take a look at the Individual Visit Scheme, we have had more than 30 million inbound travellers each year since 2003, and 60% of them have come from the Mainland. At present, we have an arrangement for the indigenous and non-indigenous people in Shenzhen to travel to Hong Kong at any time upon application for two-way permit endorsement.

Furthermore, as Qianhai Area in Shenzhen is a relatively small area with only some 10 sq km, the SAR Government and the SZMG can have a more focused development of the area. Even though it is not a vast area, we can consider how our enterprises, financial or professional service industries can secure a foothold there, and we can then extend the development of these service industries to other places in Shenzhen and Guangdong. Insofar as this policy of early and pilot implementation is concerned, I believe our co-operation with SZMG will be more effective as we are geographically closer to each other and so are our ideologies.

MR CHEUNG HOK-MING (in Cantonese): *President, for Hong Kong to benefit from the development of Qianhai Area, I believe that planning, development and establishing links are crucial factors, especially in the area of transportation. In the previous policy address or at the previous meetings of the Legislative Council, the Chief Executive has always talked about the 10 Major Infrastructure Projects, including the Hong Kong-Shenzhen Western Express Line between the Hong Kong International Airport and Shenzhen Airport. In light of the development of Qianhai Area, will the Government consider expediting the construction of this express line, and can it inform this Council whether any progress has been made at this stage?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the relevant Policy Bureaux and departments of the SAR Government and the relevant department on the Guangdong side remain positive towards the Hong Kong-Shenzhen Western Express Line. At present, we intend to build an additional station in Qianhai Area besides connecting the Hong Kong International Airport and Shenzhen Airport. This can facilitate and absorb the flows of people between the two places, including people travelling from Hong Kong to Qianhai Area or to the Shenzhen Airport, and those travelling from Shenzhen to Hong Kong. The planning and transport departments on both sides are still working on planning matters. However, they still need to assess the economic viability and work out the estimates for the infrastructure projects. President, Hong Kong, Guangdong and Shenzhen attach great importance to these tasks and we will give Members further information in due course.

MS STARRY LEE (in Cantonese): *President, as the Chief Executive has mentioned in the Policy Address, the State Council has set clear objectives and directions for the development of Qianhai Area, and Qianhai Area would be developed into a modern services centre. Hong Kong must play a part and we must ride on the "express train" of the development of Qianhai Area because I believe Qianhai Area would be developed into a modern services centre even if Hong Kong does not have a part to play.*

In part (a) of his main reply, the Secretary has said that, at the official level, the Joint Task Force on Qianhai Co-operation has been set up to handle and discuss matters related to our participation in the development of Qianhai Area. I have contacted members of the professional sectors including Dr Raymond HO who has just asked a question. They are equally worried because from our CEPA experience, the professional sectors might not be benefited. Can the Secretary tell us how the development of Qianhai Area can provide more substantial and targeted assistance to professionals to develop there? What has been done in the past and what are the new ideas in the future? Can the Government inform us of the relevant arrangements in advance?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I would like to make a few points. First, the SZMG

attaches great importance to the economic development of Shenzhen, and it considers that the development of the service industries is conducive to improving the economic development of Guangdong. Therefore, they would like to invite some members of our financial and professional services, as well as other services industries to act as consultants. They will consult the SAR Government in this connection, and this programme will be pushed forward.

Moreover, we would later travel to Shenzhen with some members of the relevant business associations and professional groups, and conduct some visits in Qianhai Area, so that we can receive direct briefings on directly how the SZMG understands the Central Authorities' plans and policy ideas for the development of Qianhai Area, as well as the measures to be taken by the SZMG to encourage and facilitate the securing of a foothold by Hong Kong enterprises, professionals and service providers in Qianhai Area. President, we will follow up these matters.

MR LAU KONG-WAH (in Cantonese): *President, about the development of Qianhai Area, some members of the community have asked if our service industries will be drained. Nevertheless, I think that professional services have no boundary. A commendable point is that this can provide our professionals with more opportunities. But, as Ms Starry LEE has just said, quite a number of our professionals have reflected that "the small door is not yet open though the big door has been opened" and they have encountered problems such as excessively high thresholds, complicated formalities and even problems concerning professional qualifications. Can the Secretary inform this Council if specific discussions have been held with the Shenzhen authorities about how the small door can be opened? Also, the National Development and Reform Commission has announced the latest policy known as "Giving the Qianhai Area Management Authority management prerogative analogous to a city with independent budgetary status". Can the Secretary explain what this policy is about and whether it will give new impetus to the development of Qianhai Area?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we agree that the development of Qianhai Area will facilitate the development of the Mainland market by our financial and professional industries, as well as other service industries. In view of the remark

that "the small door is not yet open though the big door has been opened", I believe that the SZMG also wants to open both the big and small doors. It is because Shenzhen is a special economic zone where the development of the manufacturing industries has been very mature, and since its population currently exceeds 10 million, the manufacturing industries have higher costs. For this reason, higher-grade service industries that tally with the development needs, interests and conditions of Shenzhen should be developed. To a certain extent, the Central Authorities have devolved certain powers to the Shenzhen Special Economic Zone (SSEZ), and the SSEZ also has certain local legislative powers. The Hong Kong and Shenzhen authorities will jointly consider, under the CEPA framework and for those professional and other service industries that enjoyed pilot and early implementation as devolved to Guangdong, how the SSEZ authorities will make use of the devolved power to facilitate the industries in Hong Kong to secure a foothold in the SSEZ and develop the market. Furthermore, as the State Council has given an official reply in late August about the policies and plans for the development of Qianhai Area, can the relevant departments of the Central Authorities further relax the regulatory policies of the Central Authorities in Qianhai Area? Hence, we will be "walking on two legs" in co-operating with Shenzhen and we will make our best efforts to open this small door according to the devolved powers and the powers exercised by the Shenzhen authorities. The second "leg" is to request for policies to be formulated by the Central Authorities to open up the big door.

PRESIDENT (in Cantonese): This Council has spent on this question.

(Mr LAU Kong-wah stood up)

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

MR LAU KONG-WAH (in Cantonese): *The Secretary has not answered the part about the new policy concerning a city with independent budgetary status.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, Qianhai Area of Shenzhen will have a unit responsible for development. According to my understanding, this unit will handle the infrastructure development within an area of some 10 sq km; it has to invite and encourage different enterprises, professionals and other service industries to secure a foothold in Qianhai Area. Moreover, the unit has to establish contact with the relevant ministries and commissions under the Central Authorities, including the National Development and Reform Commission, and recommend to the Central Authorities the policies and powers that can be devolved to a lower level for promoting the development of Qianhai Area. As I have just said, we will be "walking on two legs"; the Hong Kong and Shenzhen authorities will work in co-operation at the district level, we will also put in concerted efforts to explain and propose to the Central Authorities what kind of policies can facilitate and promote the development of Qianhai Area in Shenzhen. For the Central Authorities, Qianhai Area in Shenzhen and the Guangdong Province in South China will facilitate the further enhancement of the service industries, and thereby conducive to the overall economic development of the Mainland.

PRESIDENT (in Cantonese): We have spent more than 23 minutes on this question. The oral question time ends here.

WRITTEN ANSWERS TO QUESTIONS

West New Territories Landfill

7. **MR WONG KWOK-HING** (in Chinese): *President, the Legislative Council has earlier repealed the Country Parks (Designation) (Consolidation) (Amendment) Order 2010 and as a result the Government is unable to extend the South East New Territories (SENT) Landfill in Tseung Kwan O. Some residents in West New Territories (WENT) are worried that as the SENT Landfill cannot be extended, extra burden will be put on the WENT Landfill at Nim Wan in Tuen Mun. In this connection, will the Government inform this Council:*

- (a) *of the amount of waste handled every day by the WENT Landfill at present and when the landfill is expected to reach its capacity;*

- (b) *given that it is not able to extend the SENT Landfill, of the estimated amount of additional waste to be transferred to the WENT Landfill for disposal every day after the SENT Landfill has reached its capacity, and whether this will shorten the time for the WENT Landfill to reach its capacity;*
- (c) *whether the Environment Bureau has considered extending the WENT Landfill; if it has, of the details and the progress of consultation with the residents; whether the authorities will install additional deodorization facilities to tie in with the current situation and utilization of the landfill;*
- (d) *given the pressure opposing the extension of landfills, whether the authorities will expedite the development of Integrated Waste Management Facilities and increase their scale, while at the same time actively consider making source separation of waste mandatory so as to tackle the problem of solid waste disposal in a multi-faceted manner; if they will, of the details; and*
- (e) *given that the Government will build an incinerator at Tsang Tsui for sludge treatment in due course and, by then, Tuen Mun will become a focal point for waste disposal in Hong Kong, and turn into a community where land-filling, incinerating and recycling activities are all found, whether the authorities will, prior to setting up various waste disposal facilities, make communal compensation that meets the aspirations of both the residents and the District Council of Tuen Mun, including making adjustments to the planning for Tuen Mun and allocating additional resources to turn Tuen Mun into a community for the development of advanced recycling industry, thereby substantially increasing the employment opportunities there?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) On average around 5 600 tonnes of solid waste were disposed of at the WENT Landfill per day in 2009. It is estimated that the WENT Landfill will be full by late 2010s.

- (b) At present, the solid waste delivered to the SENT Landfill for disposal is mostly collected from Hong Kong Island, Kowloon and Sai Kung District by private waste collectors. If the SENT Landfill is not extended in time before it reaches its capacity, about 1 000 cross-district refuse collection vehicle trips will be incurred each day to deliver the waste to other districts for disposal. These cross-district trips will bring additional traffic flow and associated pressure on the environment along the delivery routes and at the other two landfills.
- (c) In "A Policy Framework for the Management of Municipal Solid Waste" published in 2005, the Government points out that we have been actively working on waste reduction, recovery and recycling. However, the three existing landfills in Hong Kong will be full, one by one, in mid to late 2010s. There is an urgent need to extend these landfills to serve as the final repositories for non-recyclable and residual waste.

The Environmental Protection Department (EPD) has briefed the relevant district council, rural committee, green groups and professional bodies on the details of the WENT Landfill Extension project on many occasions since 2004. In early 2007, the EPD commenced the engineering feasibility and environmental impact assessment (EIA) study for the project. According to the EIA report, with the implementation of the necessary environmental mitigation measures, the environmental impacts of the project would be acceptable. The EIA report was made available for public inspection between August and September 2009 under the Environmental Impact Assessment Ordinance. Upon consultation with the Advisory Council on the Environment and completion of the related statutory procedures, the EIA report was approved in late 2009. The EPD will continue to liaise closely with the local community to keep the public updated on the project.

To further respond actively to the views and expectations of the Tuen Mun residents and Tuen Mun District Council (TMDC) on overall development of the district, the Environment Bureau set up in 2009 the Tuen Mun Development Liaison Working Group comprising representatives from relevant policy bureaux and

departments as well as Tuen Mun District Councillors. The Group discusses and examines the opportunities of overall development for Tuen Mun and takes appropriate follow-up actions, including upgrading and enhancing the existing and planned environmental facilities in the district, so as to meet the community needs.

Regarding the management of environmental facilities, it is the EPD's aim to ensure that the operation of these facilities meets the highest international standards. On odour control, the EPD has implemented a series of control measures to ensure that the odour impact of the WENT Landfill will not adversely affect the nearby residents. These include:

- covering the non-active tipping areas with soil and temporary impermeable liner;
 - installing extra landfill gas extraction wells in addition to the existing landfill gas extraction system;
 - installing extra landfill gas flaring units;
 - providing mobile deodorizers at the tipping area; and
 - covering the active tipping areas with Posi-shell Cover temporarily.
- (d) Recently, the proposal of landfill extensions has aroused public concern on waste management. In "A Policy Framework for the Management of Municipal Solid Waste" published in 2005, we have clearly stated that to address the waste management issues, a multi-pronged approach of waste reduction, recovery and modern waste management facilities must be adopted. The promotion of source separation is essential for waste reduction at source. With the EPD's efforts to promote domestic waste recovery facilities in recent years, currently about 80% of the population has waste separation facilities provided in their housing estates. In the past five years, the recovery rate of domestic waste increased from 16% in 2005 to 35% in 2009, bringing about a rise in the overall municipal solid waste (MSW) recovery rate to 49% in 2009. This

means a decrease in the quantity of waste disposed of at landfills. Starting from December 2008, every new domestic building or the domestic part of a new composite building must provide a refuse storage and material recovery room on every floor to facilitate source separation of waste. As for producer responsibility schemes, we are preparing a new scheme on waste electrical and electronic equipment following the successful implementation of the plastic bag levy. Regarding the food waste issue, the Government has been encouraging schools and non-profit making organizations, through the Environment and Conservation Fund, to set up small scale food waste composters in their premises. It has also organized various educational and promotional activities to promote avoidance of food waste. In addition, the EPD is now collaborating with the commercial and industrial sector to organize a "Food Waste Recycling Partnership Scheme" with the objectives of promoting good food waste management, including source separation and recycling of food waste and the setting up of food waste composters in large shopping centres and food establishments.

At present, nearly all the non-recyclable waste in Hong Kong is disposed of at landfills. This is not in line with the principles of sustainable development. We are preparing an EIA report on the proposed development of integrated waste management facilities in Tuen Mun and Shek Kwu Chau. The organic waste treatment facilities with modern waste treatment technology will also be developed at Siu Ho Wan of North Lantau.

In the light of recent public concern on waste management, we are reviewing the implementation of the MSW strategy. The Environment Bureau has been consulting Members of the Legislative Council on the overall strategy with a view to building a consensus. We plan to submit the review findings to the Panel on Environmental Affairs of the Legislative Council for discussion by end 2010 or early 2011.

- (e) As mentioned in part (c) of this reply, the Environment Bureau set up in 2009 the Tuen Mun Development Liaison Working Group comprising representatives from relevant policy bureaux and departments as well as Tuen Mun District Councillors. The Group

discusses and examines the opportunities of overall development for Tuen Mun.

In the sludge treatment facility contract recently awarded, the EPD has made reference to the TMDC's views on architectural and landscape design in adopting a wave-form and streamlined design for the main building, which will blend well with the surrounding environment. An Environmental Education Centre, hydrotherapy pools, ecological gardens, a 25-metre high fountain and green open space will be available for public use and visit. We expect that about 600 jobs and 60 long-term jobs will be created during the construction and operation of the facility respectively. In response to the TMDC's request, we will set up an air quality monitoring station in Tuen Mun town area to provide data on local air quality, so that we can ensure that the operation of the sludge treatment facility will not adversely affect the surrounding environment.

Land (Compulsory Sale for Redevelopment) Ordinance

8. **MRS REGINA IP** (in Chinese): *President, by publication of the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice in the Gazette in January this year, the Development Bureau specified that with effect from 1 April this year, in respect of three specified classes of land lot, where a person or persons make an application to the Lands Tribunal for an order to sell all the undivided shares in a lot for the purpose of the redevelopment of the lot, the percentage of undivided shares in the lot that such person or persons shall own, otherwise than as a mortgagee, is reduced from the original not less than 90% to not less than 80%. In this connection, will the Government inform this Council:*

- (a) *given that when this Council scrutinized the aforesaid subsidiary legislation, the Development Bureau undertook to introduce a mediation mechanism to help minority owners negotiate on a more equal footing with the persons who had applied for compulsory land sale, how the mediation mechanism which is being contemplated will operate, and of the detailed timetable for its implementation;*

- (b) *given that the Urban Renewal Strategy Review which is being conducted has made a preliminary proposal of a "flat for flat" compensation option for residential property owner-occupiers affected by redevelopment projects, and that I have learnt that the property owners affected by private redevelopments are also very much in need of a similar arrangement, whether the authorities will consider also including this arrangement in the Land (Compulsory Sale for Redevelopment) Ordinance (the Ordinance) (Cap. 545); if so, of the timetable for the review; if not, the reasons for that; and*
- (c) *given that quite a number of owners of old buildings have relayed to me that from time to time they are subjected to harassment suspected to be acquisition-related, whether the authorities have measures in place to ensure that individual owners who, for various reasons, do not wish to participate in the acquisition can continue to live in peace in their own premises; if so, of the details?*

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

- (a) To follow up on the commitment made when the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice was considered by the Legislative Council, the Development Bureau, over the past few months, has been working closely with the Department of Justice and the Joint Mediation Helpline Office Limited, which comprises the eight major mediation service providers, to set up a pilot mediation scheme for compulsory sale cases before the end of this year. The pilot mediation scheme aims to facilitate parties involved in or contemplating compulsory sale applications under the Ordinance to undertake mediation on a voluntary basis.

The proposed pilot mediation scheme will be financially supported by the Government (including the setup and operating costs of the scheme, and the financial assistance to eligible elderly owners) for a trial period of one year. If both parties (the majority owners and the minority owners) who are or who will be involved in compulsory

sale applications are willing to join the mediation scheme, staff of the service provider of the pilot mediation scheme will first explain the operation of the mediation mechanism to both parties. To enhance transparency, we will request the service provider of the pilot mediation scheme to provide a list of their accredited mediators and their charges to facilitate both parties joining the scheme to make their choice. All accredited mediators are independent professionals who are professionally trained in mediation. They will, in an unbiased and confidential manner, help to get both parties into dialogue and negotiate, with a view to reaching consensus.

In addition, the Judiciary is in the process of drawing up a "Practice Direction" which will suggest how those who have filed compulsory sale applications to the Lands Tribunal may undertake mediation before their cases are heard by the Lands Tribunal.

On the other hand, to provide further assistance to elderly minority owners of old buildings, we will engage a social welfare agency to proactively explain to elderly owners the general practice of acquisition and the process of compulsory sale under the Ordinance, and to refer them to professionals such as surveyors for advice if they wish.

- (b) According to the draft of the revised Urban Renewal Strategy, the Urban Renewal Authority (URA) will provide an offer of "flat for flat" as an alternative option to cash compensation and *ex gratia* payment to the owner-occupiers of domestic units affected by the URA's redevelopment projects. The "flat for flat" arrangement is not intended to enhance the level of compensation but is meant to provide a choice to owner-occupiers. It should be noted that the option of "flat for flat" is still based on the compensation level of a seven-year old replacement flat in the same district as approved by the Finance Committee of the Legislative Council.

Redevelopment implemented under the Ordinance is to facilitate owners of buildings in multiple ownership to redevelop their lots or to sell their lots jointly. As the redevelopment potential of individual private redevelopment projects differs significantly from

the existing market value, and such private redevelopments could not be considered to be on par with redevelopment projects implemented by the URA on the grounds of public interest, we do not consider that there are sufficient justifications to lay down requirements for "flat for flat" in the Ordinance. Nonetheless, the Ordinance has already provided adequate protection for minority owners. The Lands Tribunal will only make an order for compulsory sale if it is satisfied that the majority owner has taken reasonable steps to acquire all the shares of the lot, including negotiating for the purchase of property interests of minority owners on terms that are fair and reasonable. Where an order for sale by auction is granted by the Lands Tribunal, the auction will be subject to a reserve price as approved by the Lands Tribunal which takes into account the redevelopment potential of the lot. The proceeds from the sale of the lot shall be apportioned among the majority and minority owners on a pro-rata basis according to the ratio as approved by the Lands Tribunal. Moreover, if the majority and minority owners undertake mediation, they can discuss compensation options, including "flat for flat". In fact, there were past cases where private buildings were acquired with a "flat for flat" arrangement.

- (c) At present, acquisition of old buildings is generally carried out by estate agents. Some developers will engage estate agents to assist them in acquiring old buildings, while some companies specializing in the acquisition of old buildings will also engage in estate agency business. The Estate Agents Authority (EAA) is tasked under the Estate Agents Ordinance and its subsidiary legislation to regulate the practice of estate agents. The EAA issued the Code of Ethics to promote integrity in the professional conduct of estate agents. In keeping with the changes of the trade, the EAA will also review the practice of estate agents from time to time and issue new Practice Circulars as practising guidelines for them.

The EAA is greatly concerned about the practice of estate agents in the acquisition of old buildings. In May this year, the EAA invited estate agents engaged in the acquisition of old buildings to attend a seminar to discuss estate agents' practices in such acquisition activities. The EAA subsequently issued a Practice Circular in

August 2010 on estate agents' practice in the acquisition of old buildings to stipulate clearly the relevant legal requirements and code of conduct with which practitioners should comply.

The Practice Circular requires that estate agents carrying out acquisition of old buildings must inform their clients whether they are acting on behalf of the owner or of the purchaser and disclose to their clients the monetary reward or other benefits they will receive in relation to the acquisition. They must not harass owners or employ any improper tactics to exert pressure on the owners to sell their flats, and they should advise elderly owners to be accompanied by family members or close relatives when entering into price negotiation. They must also explain the terms and conditions contained in the agreement for sale and purchase to the owners, and should avoid making arrangements for owners to sign on any provisional agreement for sale and purchase with the terms of the transaction (such as the parties involved in the agreement, property price, deposit, transaction date, and so on) left blank.

Since the Practice Circular came into force, the EAA has incorporated its contents into the programmes of its Continuing Professional Development Scheme to further remind estate agents on matters to which they should pay attention when engaging in such acquisition activities. For companies which mainly engage in such acquisitions, the EAA will approach the company management and tender advice to them where necessary with a view to enhancing the practitioners' service and professionalism. Upon receiving requests for assistance from the public, the EAA will also liaise with the estate agencies concerned immediately to help resolve the cases.

If an estate agent is suspected to be involved in any malpractice, the EAA will investigate the case and take disciplinary action against the estate agent concerned if the case is substantiated.

The Development Bureau and the EAA have been working closely over the past few months to handle complaints through case referrals.

If the minority owners are subject to harassment suspected to be acquisition-related, including building management, public health or security issues, they may seek help from the relevant government departments, including the District Office(s), the Food and Environmental Hygiene Department and the police.

To step up publicity and public education on the rights of minority owners and the caveats that these owners should watch out for when approached by developers on voluntary acquisition or compulsory sale, we plan to launch a video on the Ordinance later this year. The video will explain in a user-friendly manner the acquisition and/or compulsory sale process to educate owners of old buildings on their rights and the support and assistance available to them.

Priority Follow-up System to Manage High-risk Psychiatric Patients

9. **DR PAN PEY-CHYOU** (in Chinese): *President, it has been reported that in quite a number of past tragedies relating to psychiatric patients, the patients had not been categorized by the Hospital Authority (HA) as priority follow-up cases and therefore, healthcare and social workers could not make early intervention and prevent the tragedies from happening. In this connection, will the Government inform this Council:*

- (a) *whether it knows the current number of cases put under the priority follow-up system; among such cases, the number of those in which the patients were "conditionally discharged" under the Mental Health Ordinance (Cap. 136); among the cases under the priority follow-up system, the respective numbers of cases categorized as priority follow-up and as secondary target for priority follow-up;*
- (b) *whether it knows the increase in the numbers of cases in the past five years in respect of priority follow-up and secondary target for priority follow-up respectively, as well as the respective numbers of cases removed from these two categories; and whether a case needs to go through an established procedure before it is removed; if so, the details of the procedure; if not, why the authorities have not drawn up such a procedure; and*

- (c) *whether the authorities and HA have drawn up guidelines on how to take care of or monitor those cases categorized as priority follow-up or as secondary target for priority follow-up, including how to deal with situations where such patients suddenly refuse to comply with the conditions for their "conditional discharge", such as refusing follow-up care, drug therapy or visits by healthcare professionals, and so on?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, patients receiving psychiatric services from the HA are broadly categorized into three types according to their risk level: (1) mental patients without propensity to violence or record of criminal violence are categorized as "ordinary patients"; (2) mental patients with propensity to violence or record of criminal violence are generally categorized into the "target group"; and (3) patients with greater propensity to violence or record of severe criminal violence and assessed to have higher risk are categorized into the "sub-target group". To facilitate early identification and follow-up of mental patients with propensity to violence or record of criminal violence, HA adopts a priority follow-up system to follow up on patients in the "target group" and "sub-target group".

In general, the attending doctors will categorize patients into the "target group" or "sub-target group" according to the severity of their past propensity to violence or record of criminal violence. Patients who have committed less serious offences before (such as common assault, fighting, disorder in public place, possession of offensive weapons) are categorized into the "target group". Those who have committed more serious offences before (such as serious wounding or assault, murder or manslaughter, serious criminal intimidation) are categorized into the higher-risk "sub-target group".

The reply to various parts of the question is as follows:

- (a) At present, the HA provides psychiatric services to more than 160 000 patients, about 5 500 of whom are put under the priority follow-up system. The breakdown is as follows:

	<i>Number of patients (approximate)</i>
Sub-target group	500
Target group	5 000
Ordinary patients	155 000

(As at 30 September 2010)

Besides, to help patients who have a history of criminal violence or disposition to commit such violence but are in stable conditions to reintegrate into the community, the attending doctors may allow them to be discharged subject to specific conditions under the Mental Health Ordinance (Cap. 136), including residing at a specified place, receiving follow-up in the community and regular follow-up consultation, and taking medication as prescribed by a medical practitioner, and so on. According to the HA's statistics, there are currently about 650 cases of patients who were "conditionally discharged".

- (b) The increase in the number of people in respect of "target group" and "sub-target group" under the priority follow-up system as well as the number of people removed from these two groups on average each year are as follows:

	<i>Increase in the number of people on average each year</i>	<i>Number of people removed on average each year (including death)</i>
Sub-target group	40	55
Target group	400	260

Established procedures are in place in the HA to assess whether patients are suitable for being removed from the priority follow-up system. The multi-disciplinary healthcare team (including the attending doctor and his/her supervisor, nurse, psychologist, social worker and occupational therapist, and so on) will conduct in-depth assessment on the risk and ability to live independently of a patient. The assessment covers mental conditions, risk factors, living environment and family support, follow-up and medication record, history of drug abuse and alcoholism, ability to live independently

and reoffending risk, and so on. The HA may consider removing a patient from the system if the patient has good community living skills and has remained in satisfactory conditions (that is, without act of violence and propensity to violence, in stable mental conditions, and having good community support and regular follow-up and medication record) for three years (applicable to "target group") or seven years (applicable to "sub-target group"), after a decision made by a multi-disciplinary medical conference.

- (c) The multi-disciplinary team comprising different healthcare professionals will draw up relevant care plans according to the needs and risk profile of patients. At present, all patients in the "sub-target group" are provided with long-term follow-up by community nurses or medical social workers. As for patients in the "target group", the attending doctors will arrange appropriate support for them according to their needs and risk profile. Care plans for the "target group" and "sub-target group" are as follows:

<i>Care plan</i>	<i>Target group</i>	<i>Sub-target group</i>
Support by community nurses/medical social workers	Appropriate support arranged according to the patients' needs and risk profile	Regular visits and follow-up on a long term basis
Support by psychiatric out-patient service	Tracking patients who have not attended follow-up consultation as scheduled within three days	Tracking patients who have not attended follow-up consultation as scheduled within the same day

If a patient under the priority follow-up system suddenly refuses to accept the care plan, the attending doctor will make appropriate arrangements, such as enhancing support by community nurses and increasing the number of visits, according to the prevailing mental conditions and risk level of the patient.

Regarding the "conditional discharge" cases, if a patient fails to comply with any condition imposed on him/her, and the attending

doctor is of the opinion that it is necessary in the interests of the patient's health or safety, or for the protection of other persons, to recall the patient to a mental hospital, the doctor can recall the patient to the mental hospital under section 42B of the Mental Health Ordinance (Cap. 136). If the patient does not fall into the "conditional discharge" category but his/her condition warrants his/her detention in a mental hospital for observation (or observation followed by medical treatment) and such detention is in the interests of his/her own health or safety or for the protection of other persons, the Court can make an order to authorize the detention of the patient in the mental hospital for observation and medical treatment under section 31 of the Mental Health Ordinance (Cap. 136).

In addition, the HA has piloted in 2010-2011 a Case Management Programme in three districts (Kwai Tsing, Yuen Long and Kwun Tong) to provide intensive, continuous and personalized community support to 5 000 higher-risk patients with severe mental illness. At present, patients under the priority follow-up system in these three districts have been followed up by case managers. HA will roll out the programme to five more districts (Eastern, Sham Shui Po, Sha Tin, Tuen Mun and Wan Chai) in 2011-2012 to provide services to an additional 6 000 patients. When this programme is extended to all districts in Hong Kong, patients under the priority follow-up system will be followed up through a case management approach on a long-term basis.

Prohibition of Smoking in Covered Walkways

10. **DR DAVID LI:** *President, at the meeting of this Council on 7 May 2008, I enquired whether the Government would consider including elevated outdoor covered walkways and footbridges within the designated no-smoking areas (NSAs) under the Smoking (Public Health) Ordinance (Cap. 371) (the Ordinance). In reply, the Government advised that as the Ordinance had only come into force for slightly over a year, it preferred to assess the need and merits of further expanding the scope of NSAs after a more comprehensive assessment of the full effect of the new legislation. Since then, the Government has extended NSAs to include public transport facilities. Given that in his 2009-2010 Policy*

Address, the Chief Executive advised that the Government would extend the existing footbridge system in Mong Kok to join the two MTR stations in the area and the vicinity of Tai Kok Tsui as part of a wider effort to improve the pedestrian environment, will the Government inform this Council whether it has conducted any study on further extending NSAs to include elevated outdoor covered walkways and footbridges; if so, of the results, and whether it will now consider adding these pedestrian facilities to the designated NSAs so as to further improve the pedestrian environment?

SECRETARY FOR FOOD AND HEALTH: President, the Administration has been taking a step-by-step and multi-pronged approach to minimize the harmful effects of tobacco on the public and the community. The purpose of our tobacco control policy is to discourage smoking, to encourage smokers to reduce smoking or to quit as early as possible, and to protect the public from the adverse impact of second-hand smoke to the extent possible.

Major amendments to the Ordinance were passed by the Legislative Council in late 2006. The statutory NSAs currently specified under the Ordinance are the outcome of extensive consultations with various sectors of the community and thorough deliberations by the Administration and the Legislative Council, balancing the interests of different stakeholders. Since 1 January 2007, the NSAs have been extended to cover a vast expanse of venues, including all indoor areas in a workplace or public place, and many outdoor leisure grounds and public transport interchanges. Implementation of the extended NSAs has so far been smooth in general, with good compliance of the smoking ban on the part of most smokers. The success is attributable to the recognition and support of the new law by the public, including both smokers and non-smokers. This achievement is made possible through years of broad-based discussion in the community and public education.

We shall continue with our tobacco control efforts which include designating NSAs in the second batch of 129 open-air public transport interchanges meeting the legal definition under the Ordinance and implementing the smoking ban at these public transport interchanges with effect from 1 December 2010. This will further minimize the effects of second-hand smoke on the public for protection of public health. We will keep in view the compliance situation after implementation of smoking ban in various venues,

with a view to assessing the need and means for further strengthening our efforts in tobacco control.

Under section 3(1) and Part 1 of Schedule 2 to the Ordinance, any indoor area in a workplace or public place and any escalator is a designated NSA. Any elevated outdoor covered walkways or footbridges which meet the definition of "indoor" stated in the Ordinance (that is, having a roof and enclosed at least up to 50% of the total area of all sides) are statutory NSAs where the smoking ban is equally applicable. There are at present a number of covered footbridges which meet the definition of "indoor" stated in the Ordinance and thus belongs to NSAs.

The Administration will continue to take into account the actual situation and public expectations and further consider in due course the taking of additional policy initiative (including the necessity and feasibility of revising the no smoking areas) to strengthen tobacco control and promote smoking cessation in order to safeguard public health. We will also continue to strengthen our tobacco control regime through a wide range of complementary measures including law enforcement, publicity, education and smoking cessation.

Promoting Use of Bicycle as a Form of Green Transport

11. **MR FREDERICK FUNG** (in Chinese): *President, it has been reported that major cities of the world have for years been committed to promoting the use of bicycle as a form of green transport, and among such cities, the number of cyclists on the roads in New York has increased to approximately 130 000 per day, while London has introduced a self-service bicycle hire scheme with more than 300 docking stations throughout the city and 5 000 bicycles available for rent, the scale of which is second only to Paris; and on the Mainland, there is a similar bicycle rental service in the city of Foshan, and a comprehensive system of bicycle network is expected to complete in five years' time. Yet, quite a number of green groups stated that although the Environment Bureau has portrayed bicycle as a form of green transport in its "I Love Hong Kong, I Love Green" publicity to promote green living, relevant policies and measures are obviously not in place. In this connection, will the Government inform this Council whether it will follow the trend of other major cities in promoting the use of bicycle as a form of green transport, change its policy from positioning cycling as a recreational sport to promoting the use of bicycle as a form of green*

transport, and establish Hong Kong as a genuine "bike-friendly" city through provision of specific measures and facilities (including building additional cycle tracks and priority access for bicycles in urban areas, introducing self-service bicycle hire scheme with multiple service points, changing motorists' perception on bicycle through education and providing a safe cycling environment for cyclists)?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, Hong Kong is densely populated. To strike a balance between the needs to alleviate traffic congestion and reduce air pollution, we have been actively pursuing the policy of having the public transport system as the main transport mode and encouraging the public to make use of the efficient mass transit system and other public transport services. It is also our policy to use railway as the backbone of the transport system, with franchised buses and public light buses providing feeder services to the railway network, thereby helping to reduce vehicular traffic on the road and the impact on air quality.

Cycling is mainly a leisure and recreational activity in Hong Kong. Where circumstances permit, the Government will provide cycle tracks and ancillary facilities in new towns and new development areas of the New Territories so that the public may ride safely for leisure or recreational purposes and short-distance travel. The Government has been adopting specific measures to facilitate cycling, such as the gradual addition of cycle tracks facilities. The Civil Engineering and Development Department is developing the comprehensive New Territories Cycle Track Network by constructing a trunk cycle network linking various new towns between Ma On Shan and Tuen Mun in phases, with possible extensions to Tsuen Wan and Sai Kung. Currently, the cycle tracks in the New Territories is about 170 km in total length. About 70 km of new cycle tracks will be added to the existing network upon completion of the expansion. Furthermore, the Planning Department will work with other relevant departments to examine the suitability of providing cycle tracks particularly in planning new development areas.

Apart from providing new cycle tracks, the Administration will also review the cycle track networks in the nine new towns across the territory. In May 2010, the Transport Department (TD) commissioned a consultancy study to look into the connectivity of the cycle track networks of existing new towns with a

view to linking up isolated segments, enhancing cycle track safety and improving ancillary facilities such as cycle parking spaces. The study is expected to be completed by end 2011. To ensure cycling safety, the TD is devising new design guidelines for cycle tracks, cycling ramps and subways. The new guidelines will require the provision of footway alongside new cycle tracks, more user-friendly geometrical configurations (including more gentle gradients and smoother curvatures) and better signage systems.

For bicycle parking, there are currently over 40 000 parking spaces across the territory. The TD will provide additional parking spaces at major transport hubs, such as the recent provision of a total of 300 plus parking spaces near two public transport interchanges (PTIs) in Tseung Kwan O and Sha Tin. Meanwhile, the TD has commenced a two-year retrofitting programme under which the existing cycle parking racks near MTR stations and public transport termini will be retrofitted and replaced by new parking racks based on the new design guidelines. It is expected that the programme will provide more than 1 000 additional parking spaces. As mentioned above, the consultant engaged by the TD will also examine the demand and supply as well as the management of bicycle parking facilities in existing new towns with a view to addressing bicycle parking problems at major PTIs and MTR stations. The consultant will also propose improvement measures with reference to overseas experience and local situation, and recommend an implementation programme for the proposed improvement works.

For bicycle rental, currently private bicycle rental shops operated in the vicinity of MTR stations of some new towns (such as Sha Tin, Ma On Shan, Tai Wai and Tai Po) are providing bicycle rental services in response to market demand. Hirers may choose to return their rented bicycles at designated locations. Bicycle rental services are also offered by contractors at recreational venues managed by the Leisure and Cultural Services Department where cycle tracks are provided therein or nearby to facilitate cycling by the public at nearby cycle tracks.

We attach great importance to the education efforts in promoting cycling safety. The Road Safety Council, the police and the TD have been promoting cycling safety to the public through different forms of publicity and educational activities, such as organizing cycling training courses, launching safe cycling campaign and compiling Cycling Safety pamphlets, with a view to educating the

public about the rules on proper use of bicycles and reminding cyclists to take heed of other motorists and keep a safe distance from vehicles ahead. The Administration will also strengthen publicity among other road users to remind them to watch out for cyclists on the road. To further facilitate cycling, the TD is setting up an Internet-based Cycling Information Centre to provide a central point for the public to find information relating to cycling, including cycle track locations, bicycle parking sites, major cycling projects and temporary closures/diversions of cycle tracks, and so on. Links to other relevant government departments which are responsible for the management of cycling facilities/venues will be provided. Information on riding rules, safety tips and relevant laws on cycling will also be uploaded onto the virtual centre.

Control of Fuel Oil Used by Vessels Within Hong Kong Waters

12. **MR PAUL TSE** (in Chinese): *President, it has been reported that Hong Kong's legislation on controlling the use of "heavy oil" is too lax and vessels berthing at or passing through the port of Hong Kong are allowed to use "heavy oil" with sulphur content ranges as high as between 3.5% to 4%, which is of the poorest quality and most air-polluting (as against the sulphur content of only 0.001% for auto-fuel). In this connection, will the Government inform this Council:*

- (a) *given that it has been reported that at present Hong Kong is still using the legislation enacted 30 years ago which regulates dark smoke emission by vessels but not the sulphur content of vessel fuels, of the reasons why the Government has all along not amended the legislation to enhance control of the sulphur content of vessel fuels;*
- (b) *of the policies proposed and the measures implemented by the Government in the past five years on controlling the problem of air pollution caused by vessels; and whether the Government had assessed in each of the past five years the impact of the pollution caused by vessels on local air quality; if it had, of the assessment results; if not, whether it will make the assessment as soon as possible; and*
- (c) *given that it has been reported that at present, vessels entering waters such as the North Sea and the Baltic Sea must use fuel oil*

with sulphur content below 1.5%, whether the Government had, in the past five years, compared Hong Kong's legislation on controlling the use of vessel fuels with that in other economically developed countries, and whether it had reviewed such legislation and tightened the control of vessel fuels; if it had, of the progress of the review; if not, whether it will conduct the review immediately?

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The emission control requirements for ocean-going vessels are governed by international conventions under the International Maritime Organization (IMO). The Hong Kong SAR Government has been diligently implementing the requirements of the relevant international conventions and introducing legislation to enforce such requirements in Hong Kong waters. In 2008, the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413M) was enacted to implement the latest requirements under Annex VI (Prevention of air pollution from ships) to the IMO's International Convention on the Prevention of Pollution from Ships, 1973 (MARPOL). The said Regulation seeks to control emissions from ocean-going vessels and other vessels in Hong Kong waters. Under the Regulation, ships operating in Hong Kong waters are required to use fuel with a sulphur content of not more than 4.5%, which will be tightened to 3.5% in 2012. As regards the air pollution control measures, these include restricting the emissions of harmful substances (including nitrogen oxides, volatile organic compounds and sulphur oxides), regulating the use of ozone depleting substances and controlling shipboard incineration.
- (b) To assess the impact of vessels on local air quality, the Environmental Protection Department (EPD) has commissioned The Hong Kong University of Science and Technology to study the emission of air pollutants from vessels entering and leaving Hong Kong. Information on ocean-going vessels and river-trade vessels, including the fuel used and the operating conditions in Hong Kong waters, has been collected to estimate maritime emissions. According to its initial findings, the average sulphur content of

marine fuel used by ocean-going vessels calling at Hong Kong's port and transiting Hong Kong waters is 2.9%, which meets the requirement of the relevant international convention.

- (c) EPD has been working closely with the Marine Department and closely watching the IMO's and international community's latest development in policies and measures to reduce maritime emissions and to enhance the quality of marine fuel. We will study the feasibility of introducing such measures into Hong Kong. Moreover, we note that many ship liners have recently pledged to switch their vessels to low-sulphur fuel when berthing in Hong Kong. We welcome this move since it helps reduce the air pollution in Hong Kong. EPD has also completed a trial of local ferries using ultra low sulphur diesel. We are analysing the findings and will map out a suitable way forward for encouraging local ferries to switch to cleaner fuels or adopt other emission control measures.

Elderly in Poverty

13. **MR LEUNG YIU-CHUNG** (in Chinese): *President, regarding poverty of the elderly in Hong Kong, will the Government inform this Council whether the following statistics are available; if not, of the reasons for that:*

- (a) *the number of elderly persons aged 60 or above (the "old age" category of the Comprehensive Social Security Assistance (CSSA) Scheme) who received CSSA allowances and the number of such cases from the first quarter of 2000 to the second quarter of 2010, together with a breakdown by household size;*
- (b) *the number of recipients of Old Age Allowance (OAA) from the first quarter of 2000 to the second quarter of 2010, together with a breakdown by age (that is, aged 65 to 69 and 70 or above);*
- (c) *the number of elderly patients who were granted fee waivers under the medical fee waiver mechanism of public hospitals and clinics from the first quarter of 2000 to the second quarter of 2010, together*

with a breakdown by age (that is, aged 60 to 64, 65 to 69 and 70 or above);

- (d) the number of elderly persons with chronic illnesses from the first quarter of 2000 to the second quarter of 2010, together with a breakdown by age (that is, aged 60 to 64, 65 to 69 and 70 or above) and type of illness; and*
- (e) the number of elderly persons aged 60 or above from the first quarter of 2000 to the second quarter of 2010, together with a breakdown by type of housing?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to the question of Mr LEUNG Yiu-chung is set out below:

- (a) Between 2000 and June 2010, the number of cases and the number of recipients under the old age category of the CSSA Scheme, with breakdown by the number of eligible household members, are at Annex 1.
- (b) Between 2000 and June 2010, the number of recipients of Normal OAA who were then aged 65 to 69, and the number of recipients of Higher OAA who were then aged 70 or above, are at Annex 2.

OAA is a cash allowance provided to Hong Kong residents aged 65 or above, with the aim of helping them meet special needs arising from old age. As OAA recipients are largely not subject to any means test, there is no direct correlation between the receipt of OAA and the economic situation of these recipients.

- (c) At present, patients who are CSSA recipients are exempted from the payment of fees for public health services. Non-CSSA patients may apply for medical fee waiver through social workers at public hospitals and clinics. In processing their applications, social workers take into account the financial and medical needs of the applicants, as well as other related factors.

The number of patients granted medical fee waiver by the Hospital Authority (HA) between April 2002 and June 2010, with breakdown by age group as requested in the question, is at Annex 3. Data prior to April 2002 are not available from the computer system of HA.

- (d) The number of patients with chronic illnesses who attended General Out-patient Clinics of HA between 2006 and 2009 is set out in the table below. These patients only include those suffering from diabetes or/and hypertension, and do not include those with other chronic illnesses. Data prior to 2006 are not available from the computer system of HA.

<i>Year</i>	<i>Aged 60 to 64</i>	<i>Aged 65 to 69</i>	<i>Aged 70 or above</i>	<i>Total</i>
2006	50 000	58 000	181 000	289 000
2007	57 000	59 000	192 000	308 000
2008	64 000	59 000	206 000	329 000
2009	71 000	62 000	214 000	347 000

- (e) According to the findings of the General Household Survey of the Census and Statistics Department, the number of persons aged 60 or above by the type of housing between 2000 and the second quarter of 2010 is at Annex 4.

Annex 1

Number of cases and recipients aged 60 or above
under the old age category of the CSSA Scheme

<i>Year/Month</i>	<i>Number of eligible household members</i>	<i>Number of old age cases</i>	<i>Total number of recipients</i>	<i>Number of recipients aged 60 or above</i>
2000/12	1	102 542	102 542	102 502
	2	18 950	37 900	33 935
	3	2 959	8 877	4 156
	4	1 943	7 772	2 145
	5	764	3 820	844
	6+	338	2 147	404
	Any number of eligible household members	127 496	163 058	143 986

<i>Year/Month</i>	<i>Number of eligible household members</i>	<i>Number of old age cases</i>	<i>Total number of recipients</i>	<i>Number of recipients aged 60 or above</i>
2001/12	1	104 436	104 436	104 362
	2	20 519	41 038	36 569
	3	3 369	10 107	4 668
	4	2 377	9 508	2 583
	5	945	4 725	1 028
	6+	446	2 830	516
	Any number of eligible household members	132 092	172 644	149 726
2002/12	1	106 978	106 978	106 886
	2	22 840	45 680	40 437
	3	4 014	12 042	5 557
	4	2 733	10 932	2 975
	5	1 104	5 520	1 191
	6+	491	3 115	549
	Any number of eligible household members	138 160	184 267	157 595
2003/12	1	108 126	108 126	108 045
	2	25 214	50 428	44 339
	3	4 458	13 374	6 168
	4	2 949	11 796	3 204
	5	1 130	5 650	1 224
	6+	487	3 084	531
	Any number of eligible household members	142 364	192 458	163 511
2004/12	1	109 080	109 080	108 987
	2	26 759	53 518	47 007
	3	4 872	14 616	6 659
	4	3 239	12 956	3 497
	5	1 175	5 875	1 282
	6+	480	3 040	513
	Any number of eligible household members	145 605	199 085	167 945
2005/12	1	109 749	109 749	109 655
	2	27 924	55 848	48 980
	3	5 054	15 162	6 909
	4	3 194	12 776	3 463
	5	1 117	5 585	1 226
	6+	477	3 006	501
	Any number of eligible household members	147 515	202 126	170 734

<i>Year/Month</i>	<i>Number of eligible household members</i>	<i>Number of old age cases</i>	<i>Total number of recipients</i>	<i>Number of recipients aged 60 or above</i>
2006/12	1	109 979	109 979	109 878
	2	28 317	56 634	49 688
	3	5 160	15 480	7 035
	4	2 985	11 940	3 249
	5	1 046	5 230	1 158
	6+	418	2 640	444
	Any number of eligible household members	147 905	201 903	171 452
2007/12	1	110 313	110 313	110 229
	2	28 375	56 750	49 976
	3	5 114	15 342	7 015
	4	2 796	11 184	3 073
	5	905	4 525	1 013
	6+	358	2 247	384
	Any number of eligible household members	147 861	200 361	171 690
2008/12	1	109 588	109 588	109 541
	2	28 270	56 540	49 852
	3	5 096	15 288	6 954
	4	2 526	10 104	2 802
	5	795	3 975	894
	6+	279	1 756	304
	Any number of eligible household members	146 554	197 251	170 347
2009/12	1	111 328	111 328	111 254
	2	28 742	57 484	50 474
	3	5 244	15 732	7 193
	4	2 302	9 208	2 594
	5	690	3 450	782
	6+	206	1 298	226
	Any number of eligible household members	148 512	198 500	172 523
2010/6	1	111 252	111 252	111 180
	2	28 614	57 228	50 166
	3	5 289	15 867	7 274
	4	2 283	9 132	2 585
	5	674	3 370	766
	6+	194	1 213	216
	Any number of eligible household members	148 306	198 062	172 187

Annex 2

Number of Normal OAA and Higher OAA recipients

<i>Year/Month</i>	<i>Number of recipients</i>	
	<i>Normal OAA</i>	<i>Higher OAA</i>
2000/12	127 757	324 168
2001/12	119 077	338 542
2002/12	109 078	346 662
2003/12	98 942	358 301
2004/12	90 904	365 825
2005/12	84 619	376 071
2006/12	76 356	388 469
2007/12	69 689	400 827
2008/12	68 603	414 447
2009/12	69 165	426 193
2010/6	69 913	428 646

Annex 3

Number of patients granted medical fee waiver by the HA

<i>Year</i>	<i>Number of patients</i>			
	<i>Aged 60 to 64</i>	<i>Aged 65 to 69</i>	<i>Aged 70 or above</i>	<i>Total</i>
2002 (April to December)	11 482	18 279	85 110	114 871
2003	14 904	23 697	106 162	144 763
2004	18 441	28 312	121 852	168 605
2005	20 618	31 054	128 259	179 931
2006	21 073	30 182	129 307	180 562
2007	21 649	28 768	130 706	181 123
2008	22 128	27 070	131 270	180 468
2009	23 897	26 965	133 598	184 460
2010 (January to June)	20 525	22 244	120 901	163 670

Annex 4

Number of persons aged 60 or above by type of housing*

Year [#]	<i>Number of persons aged 60 or above</i>				
	<i>Public rental housing</i>	<i>Subsidized sale flats</i>	<i>Private permanent housing</i>	<i>Temporary housing</i>	<i>Total[^]</i>
2000	412 100	132 100	405 100	17 200	966 500
2001	398 300	149 800	419 500	14 300	981 800
2002	401 200	155 700	427 500	12 900	997 300
2003	398 200	168 700	426 300	11 600	1 004 800
2004	406 900	169 200	442 000	11 800	1 029 900
2005	409 100	173 500	456 600	9 800	1 049 000
2006	405 500	174 400	445 200	11 100	1 036 100
2007	424 800	189 400	465 700	9 100	1 089 000
2008	436 500	194 300	483 400	9 000	1 123 200
2009	451 200	206 600	500 200	11 000	1 169 100
2010 (second quarter)	471 700	217 400	523 000	9 900	1 222 000

* Covers the land-based non-institutional population of Hong Kong, not including inmates of institutions and persons living on board vessels.

[^] There may be slight discrepancy between the sum of individual items and the total due to rounding.

[#] Annual figures are compiled based on data collected in the General Household Survey from January to December each year.

Installation of Platform Screen Doors and Automatic Platform Gates by MTR Corporation Limited

14. **MR WONG SING-CHI** (in Chinese): *President, since 3 July 2000, the then Mass Transit Railway Corporation (MTRC) and the MTR Corporation Limited (MTRCL) have respectively collected an extra charge of \$0.1 for each Octopus journey from passengers (the collection arrangement) to fund the project of retrofitting platform screen doors (PSDs) or automatic platform gates (APGs)*

at 30 underground stations as well as eight aboveground and at-grade stations (the retrofitting project). The expenditure of the retrofitting project is about \$2.3 billion, half of which is contributed by passengers through the collection arrangement, and the MTRCL had collected \$730 million as at the end of 2009. In this connection, will the Government inform this Council:

- (a) given that in their reply to a question raised by a Member of this Council on 9 June 2010, the authorities stated that according to the estimate by the MTRCL with reference to its financial records of the past few years, the collection arrangement will continue until 2017 to enable full recovery of the retrofitting project cost, whether the Government knows if there is any change to the cost of the retrofitting project at present; if there is, of the latest estimation and the reasons for such a change, as well as when the collection arrangement will last;*
- (b) whether it knows the accrued amount collected by the MTRCL to date through the collection arrangement; whether the amount is sufficient to cover half of the expenditure of the retrofitting project; if so, of the progress and timetable of the retrofitting project; if not, whether the MTRCL will revise its original option of sharing half of the project cost only and put in more resources to speed up the progress of the retrofitting project in order to protect passengers' safety;*
- (c) whether it knows the details of the works which the MTRCL decided in 2008 to carry out at the eight aboveground and at-grade stations of the pre-merger mass transit railway (MTR) system, including the progress, timetable and expenditure, and so on, of the works (list by the name of the stations); and*
- (d) of the number of accidents of passengers falling onto rail tracks due to various reasons in each of the past five years and the number of passengers involved; among them, the number of accidents which happened at stations without PSDs or APGs as well as the number and percentage of passengers involved?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, for the various parts of the question, our reply is set out below:

(a) and (b)

The pre-merger the MTRCL announced in early 1999 the retrofitting of PSDs at 30 underground stations. The retrofitting programme was completed in 2006. As the works required a high capital cost of \$2 billion which was not covered in the original investment plan of the MTR urban lines, after discussion with the Legislative Council, half of the project cost would be borne by the MTRCL while the remaining half of the project cost (that is, \$1 billion) would be met through collecting 10 cents per trip from passengers using Octopus card. As such, collection of the 10 cents per trip from passengers using Octopus card travelling on the pre-merger MTR lines began in July 2000 and the arrangement will continue until the cost of \$1 billion is recovered in full.

In 2008, the MTRCL decided to retrofit APGs at the eight aboveground and at-grade stations in the former MTR system. These stations are Heng Fa Chuen, Chai Wan, Kwai Fong, Kwai Hing, Tsuen Wan, Kowloon Bay, Ngau Tau Kok and Kwun Tong Stations. The cost of the retrofitting works is about \$300 million, half of which would continue to be borne by passengers using Octopus card through collecting 10 cents per trip and the other half would be borne by the MTRCL.

By June 2010, \$775 million had been collected by the MTRCL. Based on the financial records of the past few years, it is projected that the 10-cent collection arrangement will continue until 2017, which is the same as the projection announced previously.

(c) The works of retrofitting APGs at the eight aboveground and at-grade stations started in 2010, and are expected to be completed by the end of 2011, one year earlier than originally scheduled. The progress of the works is as follows:

Detailed design			Completed
On-site prototype test			Completed
Manufacturing of APGs			Ongoing
Reliability test			Ongoing
Commencement of retrofitting works at various stations	Island Line	Hang Fa Chuen Station	Commenced in April 2010
		Chai Wan Station	
	Kwun Tong Line	Kowloon Bay Station	Commenced in July 2010
		Ngau Tau Kok Station	
	Tsuen Wan Line	Kwai Fong Station	
		Kwai Hing Station	
Kwun Tong Line	Kwun Tong Station	To commence in February 2011	
Tsuen Wan Line	Tsuen Wan Station		
Completion of all retrofitting works			End 2011

According to the MTRCL, the contracts for the aforementioned works with an overall cost of \$300 million do not have cost breakdown by stations.

- (d) Passenger-on-track cases include accidents in which passengers fall onto the track (for example, under the influence of alcohol or medicine, due to sickness, and so on); suicides and attempted suicides; and trespasses onto the track (for example, passengers trying to retrieve items fallen onto the track, crossing the track to the platform on the other side, and so on). Over the past five years, all such cases happened at stations without PSDs^{Note}. The number of cases is set out below:

	<i>Fallen onto the track by accident</i>	<i>Suicide and attempted suicide</i>	<i>Trespassing onto the track</i>	<i>Total</i>
2006 ^{Note}	24(25)	10(10)	44(54)	78(89)
2007	15(16)	10(10)	51(53)	76(79)
2008	13(14)	7(8)	40(45)	60(67)
2009	20(20)	19(20)	59(72)	98(112)
2010 (up to September)	15(16)	4(4)	46(59)	65(79)
Total	87(91)	50(52)	240(283)	377(426)

(Numbers in brackets represent the number of persons involved. Some cases involved more than one person.)

Note:

The cases for 2006 include two cases involving contractor staff at stations with PSDs. One was a case of a contractor staff fallen onto the track by accident, and the other was a trespass onto the track involving 10 contractor staff.

Early Childhood Education Services Provided for Children with Special Educational Needs

15. **MS CYD HO** (in Chinese): *President, some children, due to congenital or acquired diseases, have unfortunately become physically handicapped (including visual impairment, hearing impairment or intellectual disability (ID)). These children may be admitted to the special child care centres (SCCCs) of the Social Welfare Department (SWD). In this connection, will the Government inform this Council:*

- (a) of the number of children who need to study in SCCC's in the past three years; among them, the respective numbers of those with hearing impairment, visual impairment, mild ID, moderate ID, severe ID or other disabilities (list in table form);*
- (b) what assessment procedures a child has to go through to enrol in a SCCC;*
- (c) what qualifications do teachers at SCCC's possess (including the number of teachers and the special education courses that they have studied) (list in table form); and whether children studying in SCCC's receive different training according to their disabilities;*
- (d) of the respective numbers of children who were admitted to mainstream primary schools, schools for the visually impaired and special education schools after completing the three-year programme offered by SCCC's since their establishment in 2006 (list in table form);*
- (e) given that the Ebenezer School and Home for the Visually Impaired (Ebenezer School) had organized a pre-school programme in the past for students to be enrolled in the Ebenezer School, of the difference between the said programme and that provided by the SWD's SCCC's; and whether SCCC's also offer training on braille reading and on "the use of tactile sense to replace visual sense"; and*
- (f) whether the SWD and the Education Bureau have established the SCCC's after taking into account professional advice from the education sector?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Government strives to provide children with disabilities with early intervention through pre-school rehabilitation services, including SCCC, Early Education and Training Centre and Integrated Programme in Kindergarten-cum-Child Care Centre. Our aim is to enhance their physical, psychological and social developments, thus improving their opportunities for attending ordinary schools and participating in daily life activities, and helping their families meet their special needs. My reply to the question of Ms Cyd HO, is as follows:

(a) and (b)

Before deciding whether a child needs pre-school rehabilitation service, an assessment will be conducted by a doctor or a clinical psychologist to ascertain the abilities and service needs of the child. He/she will then be referred by social workers of the SWD, the Hospital Authority or non-governmental organizations (NGOs) to the Central Referral System for Rehabilitation Services of the SWD to waitlist for the service. The number of children assessed to be requiring SCCC service in the past three years was as follows:

<i>Year</i>	<i>Number of children</i>
As at September 2008	About 2 100
As at September 2009	About 2 200
As at September 2010	About 2 500

Generally speaking, a substantial number of children receiving pre-school rehabilitation services are suffering from multiple disabilities. Hence, we are unable to provide details by categories of the children's disabilities. Indeed, to meet the varied developmental needs of children with disabilities, SCCCs at present adopt an integrated approach to provide comprehensive services. Having regard to the varying needs of children with different disabilities, suitable support services, including physiotherapy, occupational therapy, speech therapy, clinical psychological services, and so on, are provided in a flexible manner. In view of the increasing service demand, the SWD will continue to increase pre-school rehabilitation service places.

(c) Subvented SCCCs are funded under the Lump Sum Grant Subvention System. Under the System, the operating NGOs are

required to employ special child care workers, social workers, nurses, physiotherapists, occupational therapists and speech therapists according to the service agreement. NGOs are allowed to deploy the allocated resources flexibly and decide on their staffing arrangement (including the actual number of special child care workers) to meet their service needs. Therefore, the SWD does not have the statistics on the actual number of special child care workers.

Under the existing requirements, child care workers need to complete training courses recognized by the SWD and register as child care workers under the Child Care Services Regulations before they are allowed to work in SCCCs. Since 1985, the SWD has been providing special child care workers with in-service training through the "One-Year In-Service Course in Special Child Care Work" delivered by subsidized training bodies with a view to enhancing their knowledge and skills of caring for children with disabilities. Organized annually for 45 trainees, this is a one-year part-time certificate course whereby trainees will have to undergo training of about 210 hours. Apart from the abovementioned training opportunities, the SWD has been providing training subsidies to child care supervisors and special child care workers in pre-school rehabilitation services since 2008 to enable them to attend recognized diploma, certificate or degree courses in early childhood education to enhance their knowledge, skills and methods. The SWD also organizes thematic training programmes, for example, courses on identifying children with specific learning difficulties or attention deficit/hyperactivity disorder, to meet the training needs of special child care workers. To provide special child care workers with suitable training and further learning opportunities, training bodies or NGOs have also offered special child care education courses in recent years.

As mentioned in parts (a) and (b) above, SCCCs adopt an integrated approach to provide comprehensive services. Operating NGOs will flexibly arrange suitable activities and training and conduct regular assessment having regard to the varied developmental needs of children. Based on the assessment results, they will formulate learning goals and design training activities for the children.

- (d) All the children with special educational needs, including those who have received training in SCCCs, can be admitted to ordinary schools or special schools (including schools for children with visual impairment) through primary one admission mechanism or placement mechanism for special schools. The SWD has not conducted any survey on the primary placement of children who have attended SCCCs. Prior to the children's discharge from SCCCs, staff members of the SCCCs will offer professional advice to parents on further studies and rehabilitation services of their children to facilitate parents to make suitable choices for their children. To enable children with special educational needs to receive early support services upon their admission to primary schools, the assessment information on the children concerned will be passed to their primary schools as soon as possible subject to the parents' consent.
- (e) The Ebenezer School and Home for the Visually Impaired has been operating the Ebenezer Child Care Centre since September 2006 under the SWD's subvention to provide SCCC services to pre-school children with visual impairment. The institution has ceased offering preparatory class for children since then. At present, those attending the Ebenezer Child Care Centre are all visually impaired children aged between two to six, including some who are also suffering from other disabilities. These children will be divided into different learning groups according to their levels of visual impairment and disability conditions. Where required, the Centre will provide them with special training including Braille training, orientation and mobility training, and so on.

For SCCCs operated by other NGOs, their service targets are children with moderate or severe disabilities aged between two to six, and a small number of them are visually impaired. Among the children with visual impairment, the majority of them suffer from low vision of a mild to moderate level, hence do not necessarily require Braille training and orientation and mobility training. Service operators will arrange regular assessment for these children and provide them with appropriate training and activities having regard to their abilities and needs.

- (f) In service planning and implementation, SCCCs need to observe the operational guidelines as stipulated in the Operation Manual for Pre-primary Institutions jointly produced by the Education Bureau and the SWD so as to meet the standards and requirements of "edu-care" services. As regards curriculum and activity design, SCCCs also need to make reference to the Guide to Pre-primary Curriculum developed by the Curriculum Development Council. Members of the Curriculum Development Council include education professionals, such as school heads, lecturers of tertiary institutions, and so on.

Implementation of "Be NetWise" Internet Education Campaign

16. **MR ABRAHAM SHEK:** *President, the Financial Secretary announced in the 2009-2010 Budget to inject HK\$63 million to conduct a one-year Internet education campaign, the "Be NetWise" campaign, to promote the safe and healthy use of the Internet among young students, their parents and teachers. More than 500 temporary Internet Ambassadors were recruited to co-ordinate and promote relevant activities and services under the campaign. The campaign was launched in September 2009 and ended in August 2010. In this connection, will the Government inform this Council:*

- (a) *of the number of requests from the public for home visit technical assistance and the actual number of home visits made by the Internet Ambassadors during the campaign, with a breakdown by District Council district;*
- (b) *of the number of activities held under the "Be NetWise" campaign and the themes of the activities, including large-scale promotional events, roving exhibitions, training courses, school talks and inter-school activities, and so on, with a breakdown by month and District Council district;*
- (c) *whether the Government will review the effectiveness of the "Be NetWise" campaign; if it will, of the details; if not, the reasons for that;*
- (d) *given that the Government indicated at the meeting of the Panel on Information Technology and Broadcasting on 12 April 2010 that a*

new organization would be set up to design tailor-made programmes to enhance the technical know-how of parents and students and their knowledge about the safe and healthy use of the Internet, of the progress and details of such work, including the date of commissioning of the organization, staff establishment and programmes to be launched, and so on; and

- (e) *apart from setting up the new organization, whether the Government has other measures to continue to promote the safe and healthy use of the Internet among young students, their parents and teachers after the "Be NetWise" campaign ended in August 2010; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT:

President, the "Be NetWise" campaign was launched in September 2009 to promote the safe and healthy use of the Internet. With the support of 14 partnering non-government organizations and some 520 staff, we organized a range of activities as detailed below on a territory-wide basis, and in different districts and schools.

By end September 2010, we have organized about 1 000 educational talks and training workshops for some 163 000 students, parents, teachers and social workers, and conducted over 88 000 home visits. We have provided over 50 000 counselling sessions through the "Be NetWise" Family Support Centre specialized in Internet behaviour. An exhibition bus touring around the territory has visited about 300 schools and public locations, attracting some 22 000 visitors. We have produced over 100 000 copies of a handbook on Internet usage to provide parents with handy tips and guidance on Internet usage. We distributed a professional education resource kit to all primary and secondary schools to provide teachers and school social workers with systematic and practical reference materials for carrying out Internet education. The campaign activities have been very well received by the community, and some activities such as school talks and home visits in some districts have been extended till late October 2010 to meet the demand.

The campaign created over 520 year-long jobs to support the implementation. A large scale recruitment expo of the campaign was conducted in July 2009 attracting some 5 500 job seekers and over 10 000 applications.

Relevant training, on-the-job coaching as well as employment support services were provided to staff during the campaign to support them in delivering the campaign and to facilitate their long-term career development and employment after conclusion of the campaign. We organized a one day career expo in October 2010 and held a commendation ceremony for staff of outstanding performance.

Regarding the specific questions raised by the Mr Abraham SHEK, my reply is as follows:

- (a) To understand families' Internet usage issues and to address their technical support needs, home visits have been arranged for all families who requested them. Each home visit included gathering information about Internet usage and concerns, distributing and explaining a parents' handbook with handy tips and guidance on Internet usage, and providing families with any needed technical support such as enhancement of computer configurations, improvements to Internet security, installation of filtering software, and so on. A table showing the number of home visits conducted from September 2009 to September 2010, with a breakdown by district, is at Annex 1.
- (b) The activities of the campaign covered promotion and education on a wide range of themes on major Internet related issues such as Internet addiction prevention, personal data privacy protection, respect for copyright, avoidance of indecent contents, Internet security, cyber bullying prevention, and so on. A table showing the number of activities held under the campaign from September 2009 to September 2010, with a breakdown by month and district, is at Annex 2.
- (c) We are compiling a final report on the overall effectiveness of the campaign. We are also arranging a post-campaign survey to gauge the change of awareness of the youth, parents and teachers on safe and healthy use of the Internet as compared with the results of a similar survey conducted at the commencement of the campaign. Some of the activities of the campaign lasted until October 2010, and the review report is expected to be completed by end 2010.

- (d) We reported at the meeting of the Panel on Information Technology and Broadcasting on 12 April 2010 that the Office of the Government Chief Information Officer (OGCIO) intended to propose a support programme to help children in low-income families to pursue online Internet learning through access to the Internet at home. The programme would help the needy families acquire affordable computers and Internet access services, as well as to provide education and technical support to these families on the safe and healthy use of the Internet. The Finance Committee approved in May 2010 a funding provision of \$220 million for implementing the programme through a non-profit-making organization. The OGCIO received five proposals in July on the implementation of the programme and have rigorously assessed all the proposals. Having regard to the relative strengths of the proposals and our view that a programme that combines the best aspects of the two leading proposals can deliver the greatest benefits to the low-income families, we are now exploring the possibility of collaboration between the two leading proponents to implement the programme. We are striving to launch the support services before the commencement of the 2011-2012 school year.
- (e) Upon the conclusion of the "Be NetWise" campaign, some established services will be sustained to support the ongoing effort of community organizations in promoting the safe and healthy use of the Internet. These services include the Family Support Centre, support hotline, online resource portal, handbook for parents, as well as the education resource kit for teachers and social workers.

Annex 1

Home Visit Requests for the Internet Education Campaign by District
(as of September 2010)

<i>District</i>	<i>Number of Home Visit Requests</i>
Central and Western	3 015
Wan Chai	3 902
Eastern	5 946

<i>District</i>	<i>Number of Home Visit Requests</i>
Southern	3 346
Yau Tsim Mong	3 310
Sham Shui Po	4 400
Kowloon City	8 268
Wong Tai Sin	4 425
Kwun Tong	6 106
Sai Kung	3 682
Sha Tin	7 557
Tai Po	3 455
North	4 111
Yuen Long	9 362
Tuen Mun	7 221
Tsuen Wan	3 802
Kwai Tsing	5 369
Islands	1 303
Total	88 580

Note:

All relevant requests for home visit as registered from the public have been handled.

Annex 2

Number of Activities for the Internet Education Campaign by District by Month (as of September 2010)

<i>District</i>	<i>Number of Activities⁽¹⁾</i>												<i>Total</i>
	<i>2009</i>			<i>2010</i>									
	<i>Aug - Sep⁽²⁾</i>	<i>Oct - Nov⁽²⁾</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	
Territory-wide	1	22	25	38	39	27	33	40	51	39	22	25	362
Central and Western	4	6	4	12	6	6	11	9	13	12	8	6	97
Wan Chai	1	9	4	11	18	20	9	21	24	27	9	2	155
Eastern	5	9	16	8	11	12	12	53	29	50	39	29	273
Southern	2	14	6	11	10	25	21	19	16	15	14	10	163
Yau Tsim Mong	15	25	19	13	30	12	13	17	7	4	3	2	160

District	Number of Activities ⁽¹⁾												Total
	2009			2010									
	Aug - Sep ⁽²⁾	Oct - Nov ⁽²⁾	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
Sham Shui Po	-	11	2	4	2	2	10	9	7	4	3	5	59
Kowloon City	45	11	2	7	10	9	15	9	19	14	13	20	174
Wong Tai Sin	3	18	12	15	9	15	7	13	11	3	2	4	112
Kwun Tong	15	15	13	7	4	10	24	14	9	18	8	5	142
Sai Kung	2	10	8	9	7	10	16	11	6	10	13	1	103
Sha Tin	5	11	7	16	7	21	18	37	19	8	7	15	171
Tai Po	11	14	20	12	10	10	8	12	12	8	6	5	128
North	48	36	9	11	12	15	19	28	23	14	6	-	221
Yuen Long	18	55	25	30	16	30	49	50	24	10	3	14	324
Tuen Mun	14	78	25	37	68	105	28	34	18	23	17	-	447
Tsuen Wan	31	14	9	8	10	15	17	15	10	19	6	8	162
Kwai Tsing	10	5	2	11	6	20	22	21	22	1	5	11	136
Islands	-	9	-	5	-	4	2	4	5	10	5	2	46
Total													3 435

Notes:

- (1) Activities include promotion events, roving exhibitions, training courses, school talks, inter-school activities, exhibition bus visits, and so on.
- (2) The reporting interval was on bi-monthly basis at the preparation and initiation stage of the campaign.

Introduction of Legislation to Control Light Pollution

17. **MR JAMES TO** (in Chinese): *President, it has been reported that the number of complaints about light pollution has continued to increase in recent years and, as the Government has not yet introduced relevant legislation, the Environmental Protection Department (EPD) can only adopt an advisory approach when handling complaints concerning commercial signboards, and so on, but such an approach is ineffective. It has been learnt that regarding legislation on light pollution, the Under Secretary for the Environment has indicated that a proposal on controlling light pollution could be made in the third quarter of this year at the earliest. In this connection, will the Government inform this Council:*

-
- (a) *of the numbers of complaints received in each of the past three years by various government departments about light pollution involving government departments and private organizations respectively;*
- (b) *given that the Government had indicated in its reply to my question on 18 June 2008 that relevant government departments (including the Leisure and Cultural Services Department (LCSD)) had put in place various guidelines to avoid causing light nuisance to the residents, but there are still incessant reports about serious light pollution problems in government venues (for example, the soccer pitch in Po Kong Village Road Park and Tsing Yi Promenade, and so on) in recent years, whether the Government, in the past three years, had reviewed the causes of these complaints involving government venues, assessed if the various departments had followed the relevant guidelines, reviewed if the existing guidelines could match the public's increasing awareness of environmental protection, and enhanced the co-ordination among various departments to address the problems of light pollution;*
- (c) *among the complaints involving private organizations in part (a), of the number of complaints handled using the advisory approach, and whether the Government had assessed the effectiveness of this approach; if it had, of the effectiveness of the approach and the number of complaints with improvements made after being dealt with using this advisory approach;*
- (d) *whether, in the past three years, the Government had participated in activities relating to reduction in light pollution organized by community organizations, and whether it had liaised with community and business organizations to collect relevant views; if it had participated in such activities and liaised with these organizations, of the numbers of such occasions and the contents; and*
- (e) *when the report on controlling light pollution will be completed and published; and when the Government will conduct public consultation on introduction of legislation to control light pollution, and when it will formally initiate the legislative procedure?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) In the past three years, the number of light pollution complaints received by various government departments, involving government departments and private organizations is as follows:

	<i>2007</i>	<i>2008</i>	<i>2009</i>
Complaints involving government departments	44	95	152
Complaints involving private organizations	59	104	237

- (b) Relevant government departments have been reviewing their guidelines on external lighting regularly, to prevent any nuisance to the public caused by external lighting at government venues.

For venues under the Housing Department, the Hong Kong Housing Authority (HA) promulgated technical design guidelines on external public lighting installations in 1998, which have been updated from time to time taking into account the need to protect the environment and to minimize the impact on residents. For example, non-essential lights are switched off at midnight; floodlights in ball courts are switched off when they are not in use or after midnight; suitable lamp reflectors are used to focus light directly onto the ground in order to minimize spilled light falling onto residential units; and lighting fittings directing upward to the sky are avoided as far as possible. The HA follows the technical design guidelines when designing public housing estates and their lightings, and will make suitable arrangements for individual circumstances, such as changing the operation hours, adjusting the projection angle, reducing wattage of lamps or relocating light poles, in order to minimize the impact of external lighting installations on the public.

Separately, the LCSD will, taking into account the operational and safety needs, seek to minimize the impact on nearby residents in installing lighting systems at their venues. Reference will be made to international standards to ensure that users can enjoy suitable illumination level while conducting activities in the venues. The lights will be focused to illuminate the venue area as far as possible.

The LCSD has also adopted various measures to minimize lighting impact on residents nearby, such as adjusting the angle of spot lights, using lamp shades, directing lights at parks downwards, and using light bulbs with lower light intensity. Lighting of facilities with low utilization rate at night will be turned off as long as it will not affect operation and safety. Furthermore, the LCSD is actively implementing energy saving measures at their venues. For instance, guidelines on operating hours of lights at parks and floodlights have been drawn up; sectional switches and photo sensors have been installed; energy saving fluorescent lamps or high efficiency light bulbs have been adopted progressively, and some decorative lights have either been removed or switched off. These measures also help minimize the impact of lighting installations on residents nearby.

As regards street lights, the Highways Department (HyD) will avoid installing street lights on the external walls of buildings as this may affect the residents. In case street lights have to be installed near residential units on lower floors due to site constraints, the HyD will, taking into account the site conditions and residents' views, take practical measures to reduce the impact on residents, such as using cut-off lanterns and light shields.

- (c) Upon receipt of light nuisance complaints involving private organizations, the EPD will, in general, reflect complainants' concerns and appeals to the responsible parties of the lighting installations or the companies concerned. The EPD also offers advice as appropriate, such as lowering the lighting intensity where appropriate, adjusting the angle of spot lights to avoid nuisances from spilled light, or switching off non-essential lights at an earlier time. The Administration's advice has generally been well received by relevant responsible parties or companies with improvement measures taken accordingly.

(d) and (e)

The Government supports environmental protection initiatives from the community through various means. For instance, with funding support from the Sustainable Development Fund in 2008, Friends of

the Earth (HK) implemented the "Dim it: A Project on the Best Use of Light Resources" project. The project, which commenced in April 2008 and completed in June 2009, aimed to enhance public awareness and understanding of light pollution with a view to reducing excessive use of lights.

In addition, the Environment and Conservation Fund (ECF) of the EPD also financed the University of Hong Kong to conduct a "Survey of Light Pollution in Hong Kong" from November 2007 to April 2009. Data on night sky brightness were collected by over 200 volunteers including secondary school students and astronomy enthusiasts. The project team compiled the first "Light Pollution Map of Hong Kong" with data collected, which has been uploaded to the project website for public's reference. The project team has also obtained funding from the ECF to conduct more comprehensive monitoring by setting up a "Hong Kong Night Sky Brightness Monitoring Network". The study commenced in June 2010 and is expected to last for two years.

In parallel, the Environment Bureau has commissioned a consultancy study on energy wastage and light nuisances of external lighting. The study includes a research in overseas experiences, an analysis of local situations and an opinion survey with stakeholders and related sectors. We are consolidating the findings of the study and considering the means and feasibility of regulating external lighting, with a view to making recommendations on the means to address issues arising from external lighting. We plan to consult the relevant Panel of the Legislation Council and seek views from stakeholders and relevant advisory bodies on the recommendations in early 2011.

Premises for Facilities Providing Community Support Services

18. **MR CHEUNG KWOK-CHE** (in Chinese): *President, the authorities have set up 16 District Support Centres for Persons with Disabilities (DSCs) in 2009, but I have learnt that most of these centres still do not have their own premises for their operation and need to borrow workplaces from other service units, thereby affecting their operation. So far, most DSCs still do not have a*

definite date for relocation. Quite a number of members of the sector told me that they worried that the 24 Integrated Community Centres for Mental Wellness (ICCMWs) to be set up at the end of this year would face the same problem. Regarding the lack of premises for operation of units providing community rehabilitation and support services, will the Government inform this Council:

- (a) among the 16 DSCs, which DSCs have already moved into their own premises for their operation at present;*
- (b) whether service units (including DSCs and ICCMWs) which have not been provided with their own premises for operation are required to comply with the original requirements of the Funding and Service Agreement (FSA); whether the authorities have implemented any measure to temporarily lower those requirements in response to the difficulties encountered by those units due to the lack of premises for their operation; if so, of the details; if not, the reasons for that;*
- (c) what long-term measures the authorities have put in place to address the problem of the lack of premises for operation of units providing newly developed services; and*
- (d) what rehabilitation services will be provided by the authorities in the next five years, and whether they have started to identify premises for these welfare facilities?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to Mr CHEUNG Kwok-che's question is as follows:

- (a) The Social Welfare Department (SWD) set up 16 DSCs in January 2009 through re-engineering of community support services. By adopting a district-based and one-stop service mode, DSCs provide persons with disabilities and their families/carers with accessible community support services.

At present, two DSCs located respectively in Tin Shui Wai and Yuen Long have commenced service at their permanent accommodation. The premises of six DSCs located respectively in Kowloon City/Yau Tsim Mong, Tsuen Wan/Tsing Yi, Kwun Tong West, Eastern/Wan

Chai, Wong Tai Sin and Tseung Kwan O/Sai Kung are undergoing fitting-out works. These six DSCs are expected to gradually commence service before mid-2011. In addition, the SWD is taking forward the preparatory work for the premises of three DSCs located in Tuen Mun, Sha Tin and Tai Po respectively. These include application for change of land use and application for Lotteries Fund for fitting-out works, and so on. The SWD has also identified sites at suitable development projects as accommodation for four DSCs and will continue to make active efforts to identify suitable premises for the remaining DSC.

- (b) To facilitate DSCs and the ICCMWs to provide persons with disabilities with one-stop services effectively, the SWD has allocated additional resources on top of existing service provision in re-engineering the community support services. In formulating the FSA, the SWD has reached a mutual understanding with service operators that flexible approach will be adopted in dealing with the requirements stipulated under the FSA, taking into account the resources allocated and progress of preparatory work for DSC accommodation, for example, allowing the service operators to provide services at suitable alternative premises.
- (c) The Government has been making active efforts to identify suitable premises on a long-, medium- and short-term planning basis for the setting up of welfare facilities, including rehabilitation service facilities. On long-term planning, the SWD will continue to maintain close liaison with relevant government departments (for example, Lands Department, Planning Department and Housing Department) with a view to reserving suitable sites at the planning stage of new development or re-development projects as far as practicable for the setting up rehabilitation services facilities. On medium-term planning, we will keep a close watch on the availability of vacant premises and school sites arising from re-engineering of services, so as to secure premises for the provision of rehabilitation services. On short-term planning, we will actively identify vacant public housing units for conversion into rehabilitation service facilities.

- (d) In the next five years, the Government will continue to enhance support and services for persons with disabilities, including residential care services, day training and vocational rehabilitation services, pre-school services and community support services, according to the strategic directions set out in the Hong Kong Rehabilitation Programme Plan. The SWD is making active efforts to identify premises for the service programmes under planning, such as reserving suitable sites at new development or re-development projects, and continue to solicit support from members of local communities for setting up rehabilitation service facilities in the community, thereby facilitating the early implementation of various service programmes.

Support Services for Elderly

19. **MR LEUNG KWOK-HUNG** (in Chinese): *President, in reply to the questions raised by Members of this Council on 27 May and 11 November last year and 13 January this year, the Secretary for Labour and Welfare indicated that there was no need for the Government to enact an ordinance with the same legal effect as the Protection of Children and Juveniles Ordinance (Cap. 213) to protect the legal rights of the elderly. On the other hand, the Government and the Elderly Commission made further efforts in September 2008 to implement the "Pilot Neighbourhood Active Ageing Project — Caring for Elders" mainly by adopting the three-pronged approach of education, prevention and support to prevent elder abuse and suicide. Nevertheless, I have received complaints from quite a number of elderly support groups that the support provided for the elderly by the Social Welfare Department (SWD) is grossly inadequate. As the SWD's Family Life Education Resource Centre (FLERC) has persistently failed to provide enough copies of the pamphlet on "Prevention of Elder Abuse — Theatre of the Guardian Angel of the Elderly" and refused to reprint the pamphlet, front-line workers have encountered difficulties when conducting promotion and education programmes in this respect. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed if the authorities and the Elderly Commission have still pushed through the aforesaid Project even*

though there is insufficient funding and lack of financial means for printing the aforesaid publication;

- (b) why the SWD has still refused to reprint the aforesaid publication even though it was well aware that there was insufficient stock; whether the Government has investigated if maladministration is involved; if the investigation result is in the affirmative, how the Government will deal with the matter; if the investigation result is in the negative, of the reason for that; and*
- (c) whether the SWD will expeditiously reprint the pamphlet on "Prevention of Elder Abuse — Theatre of the Guardian Angel of the Elderly"; if it will, when it will be reprinted and made available to the public; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the FLERC under the SWD publishes every year a variety of publications for promoting family life education. The pamphlet "Prevention of Elder Abuse — Theatre of the Guardian Angel of the Elderly" is one such publication of FLERC. For the purpose of enhancing the awareness of elders and the community in general of the problem of elder abuse, the pamphlet, through comics and writings, sets out the causes and forms of elder abuse and the usual responses of abused elders. It also provides information on measures to prevent elder abuse and ways of seeking assistance.

FLERC regularly reviews the stock of its publications and the need for reprinting depending on demand. Since 2004, a total of 43 500 copies of the pamphlet "Prevention of Elder Abuse — Theatre of the Guardian Angel of the Elderly" have been printed. About 700 copies are currently in stock.

The pamphlet is of the 2005 edition and FLERC is updating its content. Having regard to requests for provision of the pamphlet as soon as possible for distribution in activities to be held shortly, the SWD will endeavour to complete the printing of the new edition in December 2010 and provide information on the updated pamphlet on the website of the SWD. The relevant organizations will be welcome to collect copies of the updated pamphlet for conducting publicity and education work on the prevention of elder abuse.

Assistance for Thalassaemia Patients

20. **MR ALBERT CHAN** (in Chinese): *President, recently, quite a number of patients suffering from Thalassaemia major have relayed to me that for years, they are only able to receive Desferrioxamine injection drug therapy because of financial problems; yet, most of them do not receive injections of this drug on time because of work. Quite a number of patients have also stated that they suffer from serious side effects after receiving injections of this drug, while the same therapeutic effect can actually be achieved just by receiving Deferasirox oral drug therapy, which has a minimal effect on their quality of life. Nevertheless, since Deferasirox has not yet been listed as General Drugs of the Hospital Authority (HA), they have to pay a lot of money to buy Deferasirox. In this connection, will the Government inform this Council whether it knows:*

- (a) the number of cases received by the HA in each of the past three years regarding patients with Thalassaemia major requesting for the listing of Deferasirox as General Drugs;*
- (b) the reasons why the HA has still not listed Deferasirox as General Drugs; and*
- (c) whether the HA will consider listing Deferasirox as General Drugs in the near future to enable more patients with Thalassaemia major to receive Deferasirox therapy, thus reducing their pain in the treatment process; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): *President, the standard drugs in the HA Drug Formulary (the Formulary) can be classified into two categories, namely general drugs and special drugs. General drugs have well-established clinical indications and effectiveness and are available for general use, while special drugs are to be used under specified clinical conditions with specific specialist authorization. Under the existing mechanism, all general drugs and special drugs prescribed under specified clinical conditions are provided to patients at standard fees and charges by the HA.*

At present, there are three drugs in the Formulary which are used in iron chelation treatment for Thalassaemia patients, including the injection drug

Desferrioxamine, the oral drug Deferiprone and the other oral drug Deferasirox. Desferrioxamine is classified as a general drug in the Formulary, while Deferiprone and Deferasirox are classified as special drugs. All three drugs are covered by standard fees and charges which are highly subsidized by the Government. Patients who meet the specific clinical conditions and require the drug for treatment will be prescribed with the drug by doctors and provided with the drug at standard fees and charges by the HA.

The reply to various parts of the question is as follows:

- (a) In the past three years, the HA has not received any request for assistance from individual patients with Thalassaemia major demanding for Deferasirox to be classified as a general drug. However, the Food and Health Bureau and HA received in October 2009 a letter from the Thalassaemia Association of Hong Kong with a request for Deferasirox to be classified as a first-line drug for the treatment of Thalassaemia. In December 2009 and January 2010, the Association also referred to us via the Legislative Council Secretariat 20 cases of request for assistance from Thalassaemia patients and demanded for Deferasirox to be used for treatment of these patients. The HA's specialists in haematology had assessed each of their cases and we gave a reply in February 2010.
- (b) At present, there is different scientific evidence on the efficacy and side effects of the three iron chelating drugs. The injection drug Desferrioxamine is recognized by the medical profession as an efficacious, safe and reliable iron chelating drug which is proven to have long-term efficacy on patients' survival. For the Thalassaemia patients in general, serious side effects caused by the use of Desferrioxamine on patients (such as thrombocytopenia) are not common. From the perspective of the medical profession, Desferrioxamine is the "gold standard" drug for iron chelation treatment, and is therefore classified as a general drug in the Formulary.

The oral drug Deferiprone is a second-line drug after the injection drug Desferrioxamine. It has similar efficacy as Desferrioxamine, and is effective in removing the iron accumulated in the heart and protecting the cardiac function of patients and hence enhancing their

survival rate. However, it may also cause neutropenia. Hence, Deferiprone is classified as a special drug in the Formulary and prescription by specialist doctors according to patients' clinical conditions is required for its use.

On the other hand, Deferasirox is not superior to Desferrioxamine and Deferiprone in terms of its efficacy, side effects and cost-effectiveness in the treatment of Thalassaemia in general. Also, its long-term efficacy and safety require the accumulation of more data to prove. As compared with Deferiprone which has the function of protecting the heart, there is not yet sufficient scientific evidence to show that Deferasirox can effectively remove the iron accumulated in the heart and improve the cardiac function of patients. Therefore, doctors do not recommend the use of Deferasirox on patients with heavy cardiac iron load. Research findings also show that Deferasirox may cause side effects such as neutropenia and acute renal failure. For these reasons, it is appropriate for the HA to classify Deferasirox as a special drug which requires prescription by specialist doctors for its use according to the clinical conditions of individual patients. If the clinical conditions of individual patient are not suitable for use of Desferrioxamine and Deferiprone, doctors will arrange for the patient to use Deferasirox on a trial basis in order to provide additional treatment alternative.

Besides, if patients cannot adapt to injection or are not suitable for treatment with Desferrioxamine because of other clinical reasons, or if excessive accumulation of cardiac iron is found in patients and enhanced efficacy for cardiac iron removal is needed, doctors will arrange for the use of the injection drug Desferrioxamine in combination with the oral Deferiprone. However, there is not yet sufficient scientific evidence in the medical profession to show that Deferasirox can be used in combination with the injection drug Desferrioxamine. To conclude, Deferasirox is considered unsuitable for classification as a general drug in the Formulary at present.

- (c) In prescribing iron chelating drugs to Thalassaemia patients, doctors take into consideration the overall safety, efficacy and

cost-effectiveness of the drugs. They also carefully assess the clinical conditions and treatment needs of each patient as well as the actual efficacy and possible effects of the drugs on individual patients in order to make suitable treatment decisions. Doctors also take into account the needs of patients for their work and social life, other needs in their daily life as well as the impact of the treatment on their quality of life.

For the treatment of Thalassaemia, the HA has put in place an established mechanism under which an expert panel comprising specialist doctors will from time to time review the latest clinical and scientific data on iron chelation treatment. After study, the expert panel considers that Deferasirox is not suitable for general use and is not appropriate to be classified as a general drug at present. The HA will continue to review the guidelines of drug treatment from time to time in the light of the development of the drugs and scientific evidence.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of the 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 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.

First motion: Releasing LIU Xiaobo.

PRESIDENT (in Cantonese): Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Mr WONG Yuk-man to speak and move the motion.

(Mr Albert HO stood up)

PRESIDENT (in Cantonese): Mr Albert HO, what is your question?

MR ALBERT HO (in Cantonese): A quorum is lacking now.

PRESIDENT (in Cantonese): Clerk, please ring the bell to summon Members back to the Chamber.

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

PRESIDENT (in Cantonese): A quorum is now present. Mr WONG Yuk-man, please speak.

RELEASING LIU XIAOBO

MR WONG YUK-MAN (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

(The following was delivered in Putonghua)

President, the Nobel Peace Prize 2010 was awarded to LIU Xiaobo. In its announcement, the Norwegian Nobel Committee praised LIU for his long and non-violent struggle for fundamental human rights in China. In the past 20-odd years, LIU Xiaobo has been treading the path of righteousness and justice steadfastly without any consideration for his personal safety. Although being held time and again in political prison for the articles he wrote, and being persistently oppressed by the state machinery, LIU Xiaobo has never lost his upright character and integrity; he refuses to leave the country and chooses to continue his fight in Mainland China through peaceful means. LIU Xiaobo's moral courage to serve his prison term has set an exemplary model for other political dissidents.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

LIU Xiaobo is merely calling on the Communist Party of China (CPC) to abolish the one-party monopolization of ruling privileges, realize democratic and constitutional principles, and so on. All these are democratic ideals long sought-after by the people. When faced with speech crime prosecution by an autocratic government which "solves political questions through legal means", LIU Xiaobo remained calm when he was sentenced to imprisonment. In his article *I have no enemies: my final statement*,¹ he wrote: "I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints."

In Charter 08, six fundamental concepts of freedom, human rights, equality, republicanism, democracy and constitutionalism have been championed. These are universal values that have no territorial boundaries. In 2007, Premier WEN Jiabao has publicly endorsed the universal values of democracy, rule of law, freedom, human rights, equality and philanthropy as values to be pursued by mankind commonly. Moreover, in September this year, WEN Jiabao, in an interview with CNN, made the following remarks which might be encouraging to those who are ignorant about the totalitarian nature of the Communist Party:²

"In spite of the various discussions and views in society, and in spite of some resistance, I will act in accordance with these ideals unswervingly, and advance within the realm of my capabilities political restructuring. I would like to tell you the following two sentences to reinforce my case on this, or my view on this point, that is I will not fall in spite of the strong wind and harsh rain, and I will not yield until the last day of my life."

WEN also said, "I have summed up my political ideals into the following four sentences, to let everyone lead a happy life with dignity, to let everyone feel safe and secure, to let the society be one with equity and justice and to let everyone have confidence in the future."

"[T]he people's wishes for and needs for democracy and freedom are irresistible."

¹ <<http://chinadigitaltimes.net/2010/02/liu-xiaobo-i-have-no-enemies-my-final-statement/>>

² Transcript of interview with Chinese Premier WEN Jiabao
(Mandatory credit: CNN's FAREED ZAKARIA GPS)
<<http://edition.cnn.com/TRANSCRIPTS/1010/03/fzgps.01.html>>

WEN went on to say that, "It is the people and the strength of the people who determine the future of the country and history. The wish and will of the people are not stoppable. Those who go along with the trend will thrive and those who go against the trend will fail."

However, not a single word of Premier WEN Jiabao has been reported by the media in the Mainland. These are what actually happen in the Mainland: LIU Xiaobo has been sentenced to 11 years of imprisonment, and his wife, LIU Xia, is under house arrest; ZHAO Lianhai who defended the right of the "kidney stone babies" had been charged with "picking quarrels and provoking trouble"; TAN Zuoren who exposed tofu-dreg construction works in Sichuan had been sentenced to five years' imprisonment on the charge of "inciting subversion of state power"; HU Jia who advocated for the rights of AIDs victims had been sentenced to three-and-a-half-years' imprisonment on the charge of "inciting subversion of state power"; GAO Zhisheng, the human rights lawyer who righteously defended Falun Gong practitioners, has been missing; and CHEN Guangcheng, the blind lawyer who uncovered the brutal execution of China's birth control policy, had been sentenced to four years' imprisonment on the charges of "intentional damage of public property" and "gathering people to block traffic". Moreover, many other unknown rights defenders might have met with misfortune. YU Jie, an author under house detention in the Mainland, has written a book entitled *China's Best Actor: WEN Jiabao* which pierces through the mask of hypocrisy donned by Chinese communist leaders.

After HU Jintao came into power, he would always chanted some high-sounding yet empty slogans, such as the "New Three People's Principles" — exercising power for the people, showing concern for them and working for their interests. He even proclaimed about "putting people first and governing for the people". However, with seven years in power, HU and WEN have been gentle on words but savage in actions.

The Chinese communist regime is threatening in manner but cowardly at heart. In the first place, the Chinese Government has been putting repeated pressures on Norway to prevent the award of peace prize to LIU Xiaobo. During a visit to Oslo this summer on the pretext of holding talks with Norway on bilateral trade agreements, the Deputy Foreign Minister issued a warning to the Head of the Norwegian Nobel Institute (the Institute assists the work of the Nobel Committee in awarding the Peace Prize) not to award the Peace Prize to LIU

Xiaobo; otherwise it would pull the wrong strings in relations between Norway and China, and it would be seen as an unfriendly act. Speaking through a spokesman in late September, the Foreign Ministry had stressed that the said person (LIU Xiaobo) was sentenced to jail because he violated Chinese law and what he has done run counter to the objective of the Nobel prize.

After LIU Xiaobo was awarded the Nobel Peace Prize, the actions of the Chinese communist regime have become even more barbarous. Having summoned the Norwegian ambassador to China to protest against the award decision, the Foreign Ministry issued a statement claiming that LIU Xiaobo was a "criminal" and his award was a complete violation of the principles of the peace prize and a "blasphemy" to the Prize. The words and deeds of the Foreign Ministry have brought shame to the Chinese Government in the international community.

There is no lack of stalwarts who engaged in political struggles or civil disobedience through non-violent means amongst Nobel Peace Prize Laureates in the past century. As time is limited, I cannot introduce each and every individual here. However, I have listed out detailed biographies of these great men and women in my written speech.

The international community is shouting out loud for justice. As many as 15 Nobel Peace Prize Laureates have jointly written an open letter to the Secretary-General of the United Nations BAN Ki-moon, the President of the United States Barack OBAMA as well as leaders of the G20 countries, calling on them to, during the upcoming G20 summit in mid-November, urge President HU Jintao to release LIU Xiaobo from imprisonment and release LIU Xia from house arrest. These Nobel laureates include Archbishop Desmond TUTU, Carlo Filipe Ximenes BELO, bishop of East Timor, former President of the United States Jimmy CARTER, former President of South Africa Nelson MANDELA and Iranian human rights activist Shirin EBADI.

This public appeal made by 15 Nobel Peace Prize Laureates represents the call from 15 moral stalwarts from different countries and different races on this moral dwarf of the CPC to stop its immoral and uncivilized acts.

In the aftermath of the June 4 massacre, the Chinese Communist regime has been severely criticized and isolated by countries around the world and its

human rights issues have been a concern in the international arena for the following several years. But with the emergence of China's economy, the international community has been vying to establish trade and economic ties with China, so much so that criticisms relating to human rights have been played down. This has effectively created a reverse trend of appeasement in the international community. The action taken by the Norwegian Government to defend its rightful moral obligation signifies that the international community no longer remains silent about the human rights situation in China. The award of the Nobel Peace Prize to LIU Xiaobo is the international community's most direct condemnation against the Chinese Communist regime's suppression of human rights since the June 4 massacre in 1989.

The Reverend Dr Martin Luther KING once said, "On some positions cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' Vanity asks the question, 'Is it popular?' But conscience asks the question, 'Is it right?'" With the prevalence of utilitarian thinking in both Hong Kong and the Mainland, cynicism prevails in society. People who "insist on finding the truth without any regard to personal gains and losses" are rarities in Chinese society.

LIU Xiaobo is exactly one of those rarities who "insists on finding the truth without any regard to personal gains and losses". In an interview with CNN in 2007, LIU said, "I feel in a dictatorial society if you want to be an honest person, fight for human-rights improvement, fight for free speech, being in prison is part of what you are undertaking, and there is nothing to complain." In this critical moment of history, LIU Xiaobo has treaded on the path of Martin Luther KING; he has chosen to follow his conscience while knowing the dangers ahead.

Since its inception, the League of Social Democrats has been advocating the idea of "No struggle, no change" both inside and outside the parliament. We have fought against the injustices of the parliamentary system and have dealt severe blows to the legality of the totalitarian SAR Government. Thereafter, we joined hands with the Civic Party to promote the "Five-district referendum campaign" which led to the unprecedented first *de facto* referendum in Hong Kong since its founding. We have withstood the frequent oppressions from the CPC time and again. We have acted out of conscience and have no fear whatsoever. Although we pale in comparison with LIU Xiaobo who is

imprisoned, we are united, while separated physically, in thoughts about the struggle for human rights, freedom, justice and rule of law through peaceful means.

Undoubtedly, China has achieved unprecedented economic advancement and is capable of holding mega international events such as the Olympics and the World Expo. However, China has also seriously breached the international agreements it signed and the commitments it made in the Chinese Constitution. People's freedom has been deprived of and human rights violated. In fact, the Chinese society is becoming more precarious with the Communist Party and the Government acting without scruples, the Government colluding with the businesses to perpetuate acts of greed and injustice, the people's homes lying in ruins in the brink of an eye and the ecology suffering increasing damages.

Social conflicts have run so deep that changes must be made. China should head towards a new direction of civilization by ending one-party rule, holding universal suffrage elections over the country, respecting human rights and safeguarding universal values such as freedom of speech. I implore members of the Chinese Communist regime to embark on reforms within the institution to build a new China with democracy and freedom and create a new era through changes and transformations.

Alexander DUBČEK, a member of the Czechoslovakian Charter 77, once made this famous remark: "They may crush the flowers, but they can't stop the Spring." The CPC may lock up LIU Xiaobo and other human rights activists, but it cannot stop the tide of democracy.

(The following was delivered in Cantonese)

Deputy President, some people tread the path of righteousness and justice steadfastly without any consideration for personal safety. Notwithstanding oppression from the mighty state machinery, they insist on speaking the truth; notwithstanding continued confinement in prison, they have neither complaint nor regret. They will continue to speak for the well-being of the nation in full embodiment of the glory of humanity.

There are also some people who will speak lavishly about being caring and friendly to animals at our next motion on "Formulating an animal-friendly policy"

later on today, but utter no words on human dignity. Do you see any government official in the Chamber now? Or they may follow the example of someone who said coldly, "I have no comments to made" (he in fact dare not comment) or "I have nothing to add". For them, respect of life is reserved for animals but not human beings. Human rights is inferior to animal rights. They are the so-called "patriots" who always hail the emperor in this Chamber. God has bestowed upon these persons the body of a human being but sadly, their soul and body sometimes got mixed up.

(The following was delivered in Putonghua)

Deputy President, I so submit and implore the CPC to release LIU Xiaobo immediately as well as all imprisoned political dissidents so as to do justice to the Chinese citizens, to LIU Xiaobo, LIU Xia and all other Chinese people who fight for democracy and freedom without any consideration for personal safety.

Mr WONG Yuk-man moved the following motion: (Translation)

"That, as the award of the Nobel Peace Prize to LIU Xiaobo, who struggles for human rights in China through peaceful, rational and non-violent means, is a significant, epoch-making event that will definitely produce profound and far-reaching impact on the progress of democratization in China, this Council urges the Central Government to release LIU Xiaobo and all political dissidents immediately."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WONG Yuk-man be passed.

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

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

MR ALBERT CHAN (in Cantonese): "I look forward to my country being a land of free expression, where all citizens' speeches are treated the same; here, different values, ideas, beliefs, political views both compete with each other and coexist peacefully I hope to be the last victim of China's endless literary inquisition, and that after this no one else will ever be jailed for their speech I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints."³

This is the statement given by LIU Xiaobo before being sentenced. LIU Xiaobo has recently been imprisoned for advocating Charter 08. The requests made by LIU in "My Final Statement" are very humble, but it is this humble dream that has taken away his basic rights. Because of these humble requests, he was charged by the Communist Party of China with the offence of inciting subversion of state power and was imprisoned for 11 years. During these 11 years, LIU Xiaobo is forced to be separated from his wife LIU Xia. During these 11 years, he will be locked up in a cold and isolated prison.

LIU Xiaobo was born in 1955 and became a young talent in Mainland's academic field in his teenage years. He received a PhD degree in Chinese literature from Beijing Normal University at the age of 33 and he was among the few visiting scholars at renowned universities outside China in the early years of the opening up of China. In 1988, he was invited by Norway's University of Oslo to teach Chinese literature. Later, he lectured on Chinese philosophy at the University of Hawaii and carried out researches. Between March and May 1989, he was again invited to be the visiting scholar of the Columbia University in the United States.

LIU Xiaobo is not only well-versed in Chinese and Western philosophies, his writings are clear and powerful. He has a number of publications, *Critique on Choice — Dialogue with Le Zehou* and *Aesthetics and Human Freedom* are highly popular. If LIU Xiaobo had not devoted to political movements, he might have won the Nobel Prize in Literature but not the Nobel Peace Prize.

Given the knowledge and talent of LIU Xiaobo, he could have served as a professor at renowned universities outside China and led a peaceful and

³ <<http://chinadigitaltimes.net/2010/02/liu-xiaobo-i-have-no-enemies-my-final-statement/>>

comfortable middle-class life. This is the dream of an ordinary Chinese living in China. Many Mainland talents who were born in the 1980s are now holding either important government posts or senior management posts in large state-owned enterprises, earning large sums of money. However, LIU Xiaobo chose to leave the United States in 1989, a time when the situation in China was precarious, and return to Beijing to join the magnificent patriotic democratic movement.

On 4 June 1989, the Chinese Communist Government launched a bloody crackdown on the pro-democracy movement. LIU Xiaobo was arrested and found guilty for instigating counter revolutionary propaganda. His imprisonment due to the 1989 pro-democracy movement is the first of the spate of imprisonments in the days to come. He could have fled overseas upon his release in 1991, and took up a teaching post at universities. His departure from China would also be welcomed by the Chinese Communist Government. Yet, he decided to stay in China to continue promoting the democratic movement. In 1995, he was again sent to prison. Upon release, he continued to engage in free writing and promote democracy. In September 1996, he was again sentenced to serve three years of re-education through labor for disturbing public order.

On 25 December 2009, owing to his involvement in drafting Charter 08, LIU Xiaobo was sentenced to 11 years' imprisonment and deprived of political rights for two years for inciting subversion of state power. Since 1989, LIU Xiaobo has been prosecuted, arrested and imprisoned for four times, and the term of imprisonment added up to 17-and-a-half years.

LIU Xiaobo has the conscience of intellectuals and loves his Motherland very much. He is willing to share with the 1.3 billion Chinese citizens weal and woe; he pays no regard for his personal safety and is willing to take risks. Being driven by the conscience of intellectuals, he attempts to use his pen to break the shackles imposed on the general public under the military Chinese Communist regime. No doubt, he could have escaped from the Communist rule and lived in a western society over the past 11 years. Nonetheless, he is willing to bear the cross and fight for the freedom of expression and basic human rights with unlimited willpower. His struggle for people's rights in a peaceful, rational and non-violent manner, as well as his will and spirit, are indeed comparable to GANDHI, Martin Luther KING and MANDELA.

On 8 October 2010, LIU Xiaobo became the first Chinese to be awarded the Nobel Peace Prize. The Nobel Committee praised highly of LIU's contribution in promoting democratic human rights in China, highlighting the widespread support of Charter 08 from overseas Chinese. Although LIU Xiaobo received a heavy sentence, he has actually become "the most visible symbol of the struggle for human rights in China".

While the prize awarded to LIU Xiaobo will definitely help strengthen and promote the democratic movement in China, it is indeed the beginning of another nightmare to his family and to his wife, in particular. After LIU Xiaobo won the Nobel Prize, the Chinese Communist regime has intensified the persecution and harassment of LIU's family members. On 8 October, several police cars stationed outside LIU Xia's house. Even though she was willing to be interviewed, public security officers had stopped reporters from entering her house. LIU Xia has been kept under constant surveillance at home by three public security officers, and was not allowed to make any phone calls. The situation was even worse in the following days. Her telephone line was cut off and she was shut out from the world.

In fact, the harassment of the wife of LIU Xiaobo by the Central Government did not begin with the winning of the Nobel Prize. LIU Xia has been kept under constant surveillance since the 1989 pro-democracy movement. Public security officers have even searched her living place and burnt all the love letters sent by LIU Xiaobo while he was serving three years of re-education through labor in 1996. It can be said that under the harassment of the Chinese Communist regime, LIU Xia has been completely deprived of her privacy and freedom of expression.

The Central Authorities penalized LIU Xiaobo's wife for the alleged offences committed by LIU Xiaobo, this practice is, in principle, similar to the extermination of nine agnates of the federal China. Since the Shang Dynasty, it had been the practice of Chinese emperors to punish dissidents by punishing their families. King ZHOU of Shang had extended the punishment of offenders to all their relatives. And while there was the punishment of the extermination of three agnates during the Qin-Han period, there was the extermination of nine agnates in Ming-Qing Dynasties. The purpose of these punishments is to make people submissive by threatening to punish the relatives of the offenders. And yet, extermination of nine agnates is prohibited under the Constitution of China.

The Criminal Law of the People's Republic of China states that offenders have to bear responsibility solely for their own crime. Part I of the Criminal Law on General Provisions, which was enacted in 1979, provides that relatives of offenders should not be punished if they did not commit the crime.

The respect for human rights, the protection of freedom of expression and speeding up of democratization are the important requests put forward in Charter 08. Given the widespread support of Charter 08 by Chinese both in China and abroad, the Nobel Committee awarded the Nobel Peace Prize to LIU Xiaobo.

Deputy President, while the economy of China is undergoing rapid development and the standard of living and education level of the general public are rising, the suppression of human rights and freedom by the Chinese Communist regime has also intensified.

According to the Nobel Prize presentation speech about LIU Xiaobo, "Over the past decades, China has achieved economic advances to which history can hardly show any equal. The country now has the world's second largest economy; hundreds of millions of people have been lifted out of poverty. Scope for political participation has also broadened. China's new status must entail increased responsibility. China is in breach of several international agreements to which it is a signatory, as well as of its own provisions concerning political rights. Article 35 of China's constitution states that 'Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration'. In practice, these freedoms have proved to be distinctly curtailed for China's citizens'."⁴

The award of the Nobel Peace Prize by the Nobel Committee to LIU Xiaobo is a head-on blow to the Chinese Communist regime. LIU's winning of this prize demonstrates that the peaceful, rational and non-violent struggle for human rights by human rights activists has received the support and recognition of the world's most authoritative body. Just as JIN Zhong has said, "Regarding the Nobel Prize, the helping hand extended by the moral power of the western civilization will certainly wake up call the dormant conscience of the Chinese citizens, who have to shake off their materialistic mind and gather force in search

⁴ <http://nobelprize.org/nobel_prizes/peace/laureates/2010/press.html>

of a road to break the stalemate. At this juncture of the 100th Anniversary of the 1911 Revolution which marked the end of the emperor system, the sacred fire of the first republican country in Asia would be ignited again to wash away the shame of this major totalitarian country. This gold medal is actually the milestone of the Chinese race on the road to democracy."

Deputy President, Alexander DUBČEK, a member of Charter 77 of former Czechoslovakia said that, "They may crush the flowers, but they can't stop the spring." I hope that Members will not become the accomplices of those who crush the flowers. On the eve of the 100th Anniversary of the 1911 Revolution, let us join hands to support the motion on releasing LIU Xiaobo and respond in harmony for the coming spring.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, before I speak, I would like to do justice for President Jasper TSANG, though I know he is not in the Chamber now. When I put forth my amendment to this motion, I misconstrued that he had deleted my appeal to the Communist Party of China to put an end to one-party dictatorship. I have misunderstood the case, for he actually has not done so.

I think he is after all a man of integrity with a sense of shame, unlike some other people who arbitrarily stifle the subjects of debates of the Legislative Council. However, I have to argue one point with him. When I move a motion for an adjournment debate, he ruled that the motion was of no great urgency. I do not want to criticize him behind his back, so I will read out the declaration I made in response to his ruling on that day. I said in the declaration that: "In response to President Jasper TSANG's rejection of my application to move an adjournment motion on the award of the Peace Prize to LIU Xiaobo, I make the following declaration. First, as Ms LIU Xia and many others related to Charter 08 are still being oppressed by the Chinese Communist Government under the watchful eyes of the world, every one of us is obliged to stop this shameful act that brings disgrace and rage to fellow countrymen. Why would the Legislative Council, which claims to be the representative of public opinion, remain aloof? Second, if the argument that the adjournment debate at the Legislative Council will not bring immediate consequence to LIU Xiaobo case stands, the motion debates with no legislative effect held every week at the Legislative Council will just be expendable, is it not? How can the position held

by President Jasper TSANG be considered authoritative? Third, as the disagreement between China and Norway on the harassment faced by the couple, LIU Xia and LIU Xiaobo, has become an important international news, compatriots in Hong Kong should advise the Chinese Communist Government on the right course to take, so as to avoid being the laughing stock and tarnish the reputation of the country." This was the declaration I drafted roughly before I got on the plane on 15 October.

President Jasper TSANG may have his grounds, but Ms LIU Xia is still nowhere to be seen to date. This is really shameful and has become a laughing stock in the international community. One's wrongful deed should not be extended to his wife and servants. Even in times of the feudalistic societies, the emperor also had this concept in mind; but now, in a country of the people's republic, a woman has disappeared because her husband has been awarded an honourable prize. This fully reflects who is right and who is wrong in LIU Xiaobo case. The Chinese Communist Government claims that LIU Xiaobo is a criminal. Let not comment on whether LIU Xiaobo is a criminal or not, have Members ever heard of family members of a criminal being implicated and oppressed? Have Member ever heard of the wife of a criminal being oppressed for her husband's act? Honourable Members, I can say for certain, with the approaching of the awarding ceremony of the Nobel Peace Prize, the Chinese Communist Government will definitely make more intense effort to incite and instruct all kinds of literary hooligans and scoundrel politicians to besmirch Mr LIU Xiaobo. As such, I implore Members in this Chamber, Members from the pan-democratic camp in particular, to fight back these abuses against LIU Xiaobo determinedly and courageously. For Mr LIU Xiaobo has been put into prison because he speaks for the human rights and freedom of 1.3 billion people, and now he can speak no more.

Deputy President, I could not sleep last night and I wrote a poem for Mr LIU Xiaobo. Surely, this is a piece of doggerel: "White hair in the mirror worries me not every morning, the sea eventually glitters in the sun after the rain, filled with no hatred and gratitude I seek not, Qu Zi⁵ would not regret having written Li Sao."⁶ Xiaobo will never give up. The first line "White hair in the

⁵ QU Zi, another name for QU Yuan, a poet of the Warring States, who worried about the condition of his state and the people and eventually drowned himself in a river.

⁶ Translator's note: In the original poem: 曉鏡豈愁雲鬢改，波光終映雨後晴，不計私仇不為恩，屈子那悔寫《離騷》，the first character of each of the four lines if read together will become "曉波不屈", which means Xiaobo will not give up.

mirror worries me not every morning" is for Ms LIU Xia. Female poet LI Shangyin used this line, "White hair in the mirror worries me every morning", to describe people fear of getting old. But what Ms LI Xia is doing now will keep her young forever. The second line, "the sea eventually glitters in the sun after the rain", means what LIU Xiaobo has done will eventually glitter like the sun after the rain when the people of China can finally attain democracy. The line "filled with no hatred and gratitude I seek not" refers to the words said by Mr LIU Xiaobo when he defended for himself, saying, "I have no enemies". As for the line "Qu Zi would not regret having written Li Sao", how would Qu Yuan regret writing the poem Li Sao? For the poem, Li Sao, was written for all the common people.

Fortunately, we have democratic politics and democratic movement today, and Mr LIU Xiaobo does not have to jump into the river to kill himself like the poet QU Yuan. There is no reason for people in support of him, like us, to give up. My amendment focuses on appealing to the Communist Party of China to put an end to one-party dictatorship, release political prisoners and return the political power to the people. In fact, the price awarded to Mr LIU Xiaobo reflects that the people of China have never given up in the fight for democracy, human rights and freedom. Therefore, we need not argue whether Mr LIU Xiaobo is the most suitable laureate, and we need not share the same views as Mr LIU Xiaobo. However, Mr LIU Xiaobo is entitled to the right of expression under Article 35 of the Constitution of the People's Republic of China, such right should be respected.

I would like to borrow a famous saying of a playwright to describe the sacrifice made by Mr LIU Xiaobo today: "A country in need of heroes is lamentable". But if a country mocks his heroes, it is even more lamentable. I can foresee and I also know that after I have spoken, someone will make groundless criticisms, either abusing LIU Xiaobo or speaking ill of him. I just want to ask one question, LIU Xiaobo initiated the Charter 08 purely for hoping that the Chinese Communist Government would give its people a right in accordance with the Chinese constitution. It is really pathetic that people who pursue for freedom has lost freedom.

I would like to seek advice from those who attack LIU Xiaobo. One of the criticisms made me most comfortable. When Mr LIU Xiaobo was in his wild youthful days, that is, the time he was dubbed the "dark horse in the literary

world", he once said that Chinese people lacked colonized influence, and Hong Kong was good, and it would be better if it could be under colonial rule for 300 years. These remarks were now quoted to attack against LIU, particularly by a columnist named Ai Fan, whose real identity is LAU Nan-keung. LAU said he believed this view of LIU Xiaobo had not changed. Is he a worm in LIU Xiaobo's stomach? Who can say QU Yuan had plotted treason when he wrote Li Sao? Mr LIU Xiaobo has already drawn a conclusion to his wild youthful days. In fact, Mr LIU Xiaobo has changed gradually from an intellectual to an activist intellectual, as they call him, or a public intellectual. His lifelong objective is to devote himself to the freedom, human rights, rule of law and democracy of the people of China. It is utterly irresponsible to accuse a man, who chooses to stay in his own country despite repeated imprisonment, of collaborating with foreign countries and betraying his own country.

I hope we all understand, what Mr LIU Xiaobo is doing today is to pursue democracy and freedom that the people of China aspire to attain since the end of the Manchu dynasty. The arrest of LIU Xiaobo is absolutely intolerable, and the oppression against Ms LIU Xia is absolutely intolerable. I urge the Chinese Communist Party to put an end to the one-party rule. Thank you, Deputy President.

MR ALAN LEONG (in Cantonese): Deputy President, on 23 December, two days before Mr LIU Xiaobo was sentenced for an imprisonment of 11 years, he wrote an article titled: "*I have No Enemies — My Final Statement*"⁷. Two days later, he was not given the opportunity to read out the article in full at the Court. In the article, Mr LIU Xiaobo reiterated his innocence. He had no regret about the choices he has made, he believed that politics in China would make progress, and he optimistically wait for tomorrow. He also expressed his thankfulness and love to his wife. Today, Miss Tanya CHAN and I will read out this article on behalf of Mr LIU Xiaobo, hoping that the forthrightness of Mr LIU will be put in the official record of this Council forever.

"June 1989 was the major turning point in my 50 years on life's road. Before that, I was a member of the first group of students after restoration of the college entrance examination after the Cultural Revolution (1977); my career was

⁷ <<http://chinadigitaltimes.net/2010/02/liu-xiaobo-i-have-no-enemies-my-final-statement/>>

a smooth ride from undergraduate to grad student through to PhD. After graduation I stayed on as a lecturer at Beijing Normal University. On the podium, I was a popular teacher, well received by students. I was at the same time a public intellectual. In the 1980s I published articles and books that created an impact, was frequently invited to speak in various places, and was invited to go abroad to Europe and the United States as a visiting scholar. What I required of myself was: both as a person and in my writing, I had to live with honesty, responsibility and dignity. Subsequently, because I had returned from the United States to take part in the 1989 movement, I was imprisoned for "counter-revolutionary propaganda and incitement to crime", losing the platform which was my passion; I was never again allowed publish or speak in public in China. Simply for expressing divergent political views and taking part in a peaceful and democratic movement, a teacher loses his podium, a writer loses the right to publish, and a public intellectual loses the chance to speak publicly, which is a sad thing, both for myself as an individual, and for China after three decades of reform and opening up.

Thinking about it, my most dramatic experiences after June Fourth have all linked with courts; the two opportunities I had to speak in public have been provided by trials held in the People's Intermediate Court in Beijing, one in January 1991 and one now. Although the charges on each occasion were different, they were in essence the same, both being crimes of expression.

Twenty years on, the innocent souls of June Fourth do not yet rest in peace, and I, who had been drawn into the path of dissidence by the passions of June Fourth, after leaving the Qincheng Prison in 1991, lost in the right to speak openly in my own country, and could only do so through overseas media, and hence was monitored for many years; placed under surveillance (May 1995 to January 1996); educated through labour (October 1996 to October 1999s), and now once again am thrust into the dock by enemies in the regime. But I still want to tell the regime that deprives me of my freedom, I stand by the belief I expressed twenty years ago in my "June Second hunger strike declaration" — I have no enemies, and no hatred. None of the police who have monitored, arrested and interrogated me, the prosecutors who prosecuted me, or the judges who sentence me, are my enemies. While I'm unable to accept your surveillance, arrest, prosecution or sentencing, I respect your professions and personalities, including Zhang Rongge and Pan Xueqing who act for the prosecution at present. I was aware of your respect and sincerity in your interrogation of me on 3 December.

For hatred is corrosive of a person's wisdom and conscience; the mentality of enmity can poison a nation's spirit, instigate brutal life and death struggles, destroy a society's tolerance and humanity, and block a nation's progress to freedom and democracy. I hope therefore to be able to transcend my personal vicissitudes in understanding the development of the state and changes in society, to counter the hostility of the regime with the best of intentions, and defuse hate with love.

As we all know, reform and opening up brought about development of the state and change in society. In my view, it began with abandoning "taking class struggle as the key link," which had been the ruling principle of the Mao era. We committed ourselves instead to economic development and social harmony. The process of abandoning the "philosophy of struggle" was one of gradually diluting the mentality of enmity, eliminating the psychology of hatred, and pressing out the "wolf's milk" in which our humanity had been steeped. It was this process that provided a relaxed environment for the reform and opening up at home and abroad, for the restoration of mutual love between people, and soft humane soil for the peaceful coexistence of different values and different interests, and thus provided the explosion of popular creativity and the rehabilitation of warmheartedness with incentives consistent with human nature. Externally abandoning "anti-imperialism and anti-revisionism", and internally, abandoning "class struggle" may be called the basic premise of the continuance of China's reform and opening up to this day."

MISS TANYA CHAN (in Cantonese): "The market orientation of the economy; the cultural trend toward diversity; and the gradual change of order to the rule of law, all benefited from the dilution of this mentality of enmity. Even in the political field, where progress is slowest, dilution of the mentality of enmity also made political power ever more tolerant of diversity in society, the intensity persecution of dissidents has declined substantially, and characterization of the 1989 movement has changed from an "instigated rebellion" to a "political upheaval. The dilution of the mentality of enmity made the political power gradually accept the universality of human rights. In 1998, the Chinese government promised the world it would sign the two international human rights conventions of the UN, marking China's recognition of universal human rights standards; in 2004, the National People's Congress for the first time inscribed into the constitution that "the state respects and safeguards human rights", signaling

that human rights had become one of the fundamental principles of the rule of law. In the meantime, the present regime also proposed "putting people first" and "creating a harmonious society", which signalled progress in the Party's concept of rule.

This macro-level progress was discernible as well in my own experiences since being arrested.

While I insist on my innocence, and that the accusations against me are unconstitutional, in the year and more since I lost my freedom, I've experienced two places of detention, four pre-trial police officers, three prosecutors and two judges. In their handling of the case, there has been no lack of respect, no time overruns and no forced confessions. Their calm and rational attitude has over and over again demonstrated goodwill. I was transferred on 23 June from the residential surveillance to Beijing Municipal Public Security Bureau Detention Center No. 1, known as "Beikan". I saw progress in surveillance in the six months I spent there.

I spent time in the old Beikan (Banbuqiao) in 1996, and compared with the Beikan of a decade ago, there has been great improvement in the hardware of facilities and software of management. In particular, Beikan's innovative humane management based on respecting the rights and dignity of detainees, implementing more flexible management of the will be flexible to the detainees words and deeds, embodied in the Warm broadcast and Repentance, the music played before meals, and when waking up and going to sleep, gave detainees feelings of dignity and warmth, stimulating their consciousness of keeping order in their cells and opposing the warders sense of themselves as lords of the jail, detainees, providing not only a humanized living environment, but greatly improved the detainees' environment and mindset for litigation, I had close contact with Liu Zhen, in charge of my cell. People feel warmed by his respect and care for detainees, reflected in the management of every detail, and permeating his every word and deed. Getting to know the sincere, honest, responsible, good-hearted Liu Zhen really was a piece of good luck for me in Beikan.

Political beliefs are based on such convictions and personal experiences; I firmly believe that China's political progress will never stop, and I'm full of

optimistic expectations of freedom coming to China in the future, because no force can block the human desire for freedom. China will eventually become a country of the rule of law in which human rights are supreme. I'm also looking forward to such progress being reflected in the trial of this case, and look forward to the full court's just verdict — one that can stand the test of history.

Ask me what has been my most fortunate experience of the past two decades, and I'd say it was gaining the selfless love of my wife, Liu Xia. She cannot be present in the courtroom today, but I still want to tell you, sweetheart, that I'm confident that your love for me will be as always. Over the years, in my non-free life, our love has contained bitterness imposed by the external environment, but is boundless in afterthought. I am sentenced to a visible prison while you are waiting in an invisible one. Your love is sunlight that transcends prison walls and bars, stroking every inch of my skin, warming my every cell, letting me maintain my inner calm, magnanimous and bright, so that every minute in prison is full of meaning. But my love for you is full of guilt and regret, sometimes heavy enough hobble my steps. I am a hard stone in the wilderness, putting up with the pummeling of raging storms, and too cold for anyone to dare touch. But my love is hard, sharp, and can penetrate any obstacles. Even if I am crushed into powder, I will embrace you with the ashes.

Given your love, sweetheart, I would face my forthcoming trial calmly, with no regrets about my choice and looking forward to tomorrow optimistically. I look forward to my country being a land of free expression, where all citizens' speeches are treated the same; here, different values, ideas, beliefs, political views both compete with each other and coexist peacefully; here, majority and minority opinions will be given equal guarantees, in particular, political views different from those in power will be fully respected and protected; here, all political views will be spread in the sunlight for the people to choose; all citizens will be able to express their political views without fear, and will never be politically persecuted for voicing dissent; I hope to be the last victim of China's endless literary inquisition, and that after this no one else will ever be jailed for their speech.

Freedom of expression is the basis of human rights, the source of humanity and the mother of truth. To block freedom of speech is to trample on human rights, to strangle humanity and to suppress the truth.

I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints.

Thank you!"

Honourable LIU Xiaobo, we wish that you could go home early and be reunited with your beloved wife, Ms LIU Xia. I also wish that Mr Democracy will set foot on China as soon as possible.

I so submit.

MR ALBERT HO (in Cantonese): Deputy President, LIU Xiaobo well deserves to be awarded the Nobel Peace Prize 2010. In the personal sense, for the past 20-odd years, LIU Xiaobo has been staging peaceful, rational and non-violent fights for democracy and freedom in China. Due to these fights, he has been put into jail a number of times, and by now, he is still serving his sentence for the Charter 08 campaign. His sacrifice and contribution are the manifestation of the courage and conscience of a public intellectual in China today, which has won great respect at home and abroad.

The decision of the committee on Nobel Peace Prize acknowledges that LIU Xiaobo is a successor to a number of former laureates, including Andrey SAKHAROV, Lech WALESA, Martin Luther KING, Nelson MANDELA and AUNG SAN Suu Kyi, and so on, maintaining their great tradition of pursuing with perseverance and unyielding manner and staging non-violent resistance.

LIU Xia, wife of LIU Xiaobo, said humbly in her response to the award of the prize to her husband that the award belonged to the people of China who have been fighting hard for democracy. This remark is amply justified. Indeed, the greatest contribution of LIU Xiaobo is in his promotion of the Charter 08 campaign. He has reiterated the universal values shared by the people of China, and proposed the objectives and a blueprint for the country in advancing towards democracy, human rights, rule of law, constitutional politics and justice. At a time when the country's supremacy in governance is on the brink of collapse, and when the morality of society is deteriorating, Charter 08 is a display of the spiritual power of the entire Chinese nation in striving for continual survival and development.

Deputy President, by the same token, the Nobel Peace Prize undoubtedly should also go to the 303 intellectuals, including LIU Xiaobo, who have signed the Charter 08. I believe that if the first batch of people signing the Charter 08 belonged to the same organization, the Nobel Peace Prize would highly likely be awarded to this organization. But since these people do not belong to the same organization, the award of the Peace Prize to LIU Xiaobo, the leader of this campaign, still has profound symbolic meaning.

The Nobel Peace Prize carries another historic meaning. It exemplifies that the democratic movement in China has won the outright support and recognition of the international community, for the movement is built on the universal values held by the civilized world today. People who stand for the conscience of the people of China are running in the trend of history, writing the world history of human civilization. However, the dictatorial Communist Party of China is running counter to this trend. On the surface, it is glorious and strong, but in reality, it is coward and weak at heart. In the face of the incessant aspirations for democracy of the people, the dictator can only make hysterical and desperate struggles.

Justice and freedom are being trampled under the one-party dictatorship. The prisons in China may imprison LIU Xiaobo and other dissidents, but not the aspirations of the public for democracy and freedom and the spirit of the Charter 08. The Communist Party of China suppresses LIU Xiaobo and intervenes in Norwegian Government and the Nobel Committee, but these negative actions have created the positive effect, well illustrating that the decision on the Nobel Peace Prize 2010 is just and wise.

Deputy President, LIU Xiaobo says that he has spent his entire life in the fight, but he has neither hatred nor enemies. This shows his breadth of mind and profound wisdom. We should adopt this attitude in encountering the tyrannical rule. We should continue with our pursuit, and adopt this attitude in changing the tyrannical rule. As LIU Xiaobo has said, he hopes he will be the last victim to be incriminated and imprisoned because of speech. Regrettably, his wish can hardly come true. On the other hand, though the political power imprisoning LIU Xiaobo attempts to use his case to coerce people into submission, its attempt again ends in vain. Today, there are unceasing struggles for human rights on the Mainland. Human rights lawyers, writers, reporters and representatives of

disadvantaged groups and so on, continue their fearless fights on the one hand, and work flexibly and pragmatically on the other.

In view of the overall situation of China today, I think the Prize awarded to LIU Xiaobo can be likened as the first thunder heralding the end of winter and the beginning of spring. I wonder if WEN Jiabao's remarks on democracy will be the second thunder. But I strongly believe that this spring of democracy will soon bring vibrant colours to the land of China. Here, I fervently request the release of LIU Xiaobo and end of the house arrest of LIU Xia.

With these remarks, I support Mr WONG Yuk-man's motion today and the amendments of the two Members.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, it has been 21 years since the 1989 pro-democracy movement, but the movement on 4 June has yet to be vindicated. The awarding of the Nobel Peace Prize to LIU Xiaobo, who had joined the hunger strike at Tiananmen Square and have been imprisoned three times in his strive for democracy in China, not only brings honour to LIU Xiaobo himself, but is also the pride of China's pro-democracy movement.

When LIU Xiaobo was informed of the news of the award, he said to LIU Xia in tears, "This award is for the lost souls of 4 June." LIU's remark does not only represent the conscience of China, but also the hope of Chinese over the past 21 years. Whoever has a conscience should be touched.

Nonetheless, the immediate response of the Central Government is as insolent and sophistry as usual, saying that the award of the prize to LIU Xiaobo was a blasphemy against the peace prize and a brutal intervention of the judicial sovereignty of China. GAO Mingxuan, the legal hatchet man, said that LIU Xiaobo's remarks were harmful to society and inciting subversion of state power. Therefore, the sentence of 11 years' imprisonment is not for the conviction of crimes of expression.

No civilized and sensible person would respect such brutal comments of the Central Authorities and the nasty smears from opponents. In the hunger strike declaration delivered on the eve of the 4 June incident or in the Charter 08 drafted 21 years later, LIU Xiaobo has insisted the use of legitimate, peaceful and

rational non-violent means to struggle for democracy, freedom and human rights. The universal values advocated in Charter 08 fully comply with the rights of free speech provided by the Constitution of the People's Republic of China. The fact that remarks as mild and rational as these are regarded by the Central Government as subversion and must be suppressed well illustrates that while China has emerged as a strong economy after 30 years of reform and opening up, it still exercises autocratic rule. There are still literary inquisitions, there are still prosecutions for crimes of expression and there are still political prisoners. It is still a silent country.

The award of the Nobel Peace Prize to the dissident LIU Xiaobo and the United States' blockage of China in the Diaoyutai Islands incident are seen as moves of the western world, led by the United States, to isolate, attack and besiege China. The Chinese, on the one hand, support the Central Authorities' move to fully safeguard the integrity of our territory and the sea right against any erosion and invasion; and on the other hand, they demand the Central Government to realize the universal values of mankind 61 years after the establishment of the nation. Not only to safeguard human rights in China, but also to protect the freedom of speech and personal safety of dissidents, as well as to develop democracy and the rule of law. For a great nation to rise in a genuine sense, it should uphold its sovereignty in foreign affairs, safeguard human rights at home, its economy should go global and its political system should move towards enlightenment.

The SAR Government has all along adopted an attitude of cynical utilitarianism towards the Nobel Peace Prize, depending on the political stance of the Central Authorities to give a cold or a warm response. In the past, the SAR Government had responded coldly to the award of the Nobel Literature Prize to GAO Xingjian, as he is considered a dissident Chinese writer. However, there were joyful celebrations when Dr Charles KAO won the Nobel Prize in Physics, and even Donald TSANG attended the celebration activity at the Chinese University of Hong Kong. What is more, there is a landmark auditorium named after Dr Charles KAO in the Hong Kong Science Park. And yet, the Government remained silent and raised no comments on LIU Xiaobo's award of the Nobel Peace Prize. Regarding today's motion debate about LIU Xiaobo, all senior government officials of the SAR are absent. One knows how the mind is at its wit's end when words are evasive,⁸ just like the case of the motion debate

⁸ <<http://chinese.dsturgeon.net/mengzi/gong-sun-chou-i?searchu=>>

on the 4 June incident. It seems that LIU Xiaobo is not a Chinese and the Peace Prize is treacherous. Why is the attitude of the SAR Government towards these two Chinese Nobel laureates so different? Does the civic education advocated by Donald TSANG promote an obedient national education which has lost independent thinking and the courage to uphold the truth, and has no regard for the universal values of mankind?

The award of the Nobel Peace Prize to LIU Xiaobo is a challenge to China. Will the Central Government continue with its barbaric act and keep LIU Xiaobo in prison, or will it show leniency by allowing LIU and his wife to receive the Prize in person in Norway, return to the country freely to continue with his writing and live without restrictions imposed? So far, only three Nobel Peace Prize winners are still being detained, put under house arrest or deported. The first one is AUNG SAN Suu Kyi of Burma. She has been detained for nearly 20 years and this has aroused world-wide indignation. The second person is Shirin EBADI, an Iranian female human rights lawyer who has been deported, and her Nobel Prize was also seized. The third person is LIU Xiaobo of China, who still has to serve an imprisonment term of 11 years. Recently, the dictatorial Burmese Government has given away hints to release AUNG SAN Suu Kyi. Will the Chinese Government be even worse than the Burmese Government and keep LIU Xiaobo behind bars till his sentence is served? Or will the Chinese Government be worse than the Iranian Government and deport LIU Xiaobo and seize his prize? As a Chinese, I certainly do not wish to see China becoming the third country, after Burma and Iran, to repress the Peace Prize, and brought herself into disrepute in front of the civilized societies.

When LIU Xiaobo was defending himself in Court, he said, "I hope to be the last victim of China's endless literary inquisition, and that after this no one else will ever be jailed for their speech."⁹ One should be moved by this remark made by LIU Xiaobo when he defended for himself. How can people or state machine which have suppressed, arrested and imprisoned LIU Xiaobo not feel ashamed? How can they stand by untouched? Although bygones are bygones, China can move forward. Please release LIU Xiaobo and other human rights activists. Let the Nobel Peace Prize drives our country to catch up with the major trend of human civilization, and usher in a new China where there is no literary inquisition, no speech crime and no political offenders.

⁹ <<http://chinadigitaltimes.net/2010/02/liu-xiaobo-i-have-no-enemies-my-final-statement/>>

With these remarks, Deputy President, I support the motion and the amendments.

MS CYD HO (in Cantonese): Deputy President, just now Mr WONG Yuk-man highlighted a phenomenon. In this Council, Members show great enthusiasm to speak on animal rights and trees. However, when it comes to human beings, Members are silent. Today, similar to the discussion of the vindication of the 4 June incident, all government officials are absent. I eagerly hope that the pro-government Members will say something today, especially those who love animals and trees. If life is so precious to them, they should find human beings more valuable.

Just as LIU Xiaobo has said, this Nobel Peace Prize is for the lost souls of the 4 June incident. He is not the only winner, nor is he the only victim. This is because under the totalitarian and corrupt Chinese regime, his families and friends have also become victims. Over the past 60 years since the establishment of the People's Republic of China, numerous people had been convicted because of their views expressed and because of their thinking. The number of people who are imprisoned, under house arrest or simply missing are numerous.

So far, people who have been arrested, detained, under house arrest or are still missing include: "Barefoot" lawyer CHEN Guangcheng, a human rights activist who helps farmers; GAO Zhisheng, another human rights activist who is also a lawyer; HU Jia, who disclosed problems relating to the environment and AIDS; SHI Tao, a reporter and writer who was arrested by the Beijing Security Bureau with the information provided by Hong Kong Yahoo; TAN Zuoren, a writer who called on an investigation of the tofu-dreg projects in relation to the Wenchuan earthquake; LIU Xianbin, a writer who criticized the tofu-dreg projects in Sichuan; WANG Binzhang, who was alleged to be spying for Taiwan; ZHENG Enchong, a lawyer who was alleged to be illegally providing state secrets to an organization outside the country; ZHOU Yongjun, who was cheated by the Hong Kong authorities and then sent back to the Mainland, and was later accused of fraud charges. Also, we have Gheyret NIYAZ, who criticized the policy on Xinjiang minority, and Dhondup WANGCHEN, who had made a documentary film to reveal the real situation of Tibet.

Reporters Without Borders pointed out that China is the country having the greatest number of reporters detained. The list is inexhaustive. I believe it would be extremely difficult to obtain a comprehensive list as there are too many unknown martyrs. These people have something in common, and that is, they are just ordinary people — reporters, writers, lawyers and teachers. They are ordinary Chinese who love freedom and their families, who are concerned about people's safety and their rights not to be suppressed by the corrupted privileged. Yet, they all share the same characteristic of daring to speak out. In the face of persecution, they still stand firm without burying their conscience. In fact, they are the elites of China.

Throughout the process of economic development over the past 30 years, these people could have certain achievements and attained certain social and economic status if they choose to live in a humble way. Then why do they choose such a rugged road instead? Why do they wage waves after waves of struggle at the expense of their freedom? The answer is very simple, we are neither animals nor trees. Man is the soul of the universe. Seeing that some people are being suppressed by the corrupt system of the authority or are subject to hard labour, they will step forward to make criticisms instead of burying their conscience.

LIU Xiaobo is arrested for committing the offence of "inciting the subversion of state power". He is definitely incriminated because of the views he expressed. But what crime did this scholar commit? The court verdict mentioned a number of articles written by LIU, including *The Dictatorial Patriotism of the Chinese Communist Party*, *How Can it be that Only Party-Guided Democracy is Suitable for the Chinese People?*, *Change the Political Regime by Changing Society*, and another one entitled *Inquiring Further into the Case of the Child Slaves of the Black Kilns*. These articles merely state the facts and truth, and query if the authorities have reported the truth. These articles only condemn social injustice, and accuse the disparity between the rich and the poor, the hard labour as well as the exploitation of people.

Deputy President, intellectuals are obliged to condemn social injustice, and only because they have fulfilled their responsibilities, people can come to have a better understanding of how corrupt the authority is. Looking back on Hong Kong, we enjoy relatively better protection, personal safety and freedom. However, many people still choose to remain silent and live in a humble way.

When increasing attempts have been made by Mainland editors and reporters to break the taboo by playing more edge balls, Hong Kong media has nonetheless stepped up self-censorship. When Mainland scholar Prof YUAN Weishi, for instance, criticized the Chinese Authorities for feeding the children with wolf milk, no Hong Kong academics rise to criticize the introduction of a brain-washing measure to examine the knowledge of both secondary and primary students on the Basic Law, as proposed in the Policy Address.

Deputy President, we really fail to make good use of the freedom of speech which we enjoy in Hong Kong. Given that we have the rights and freedom, we should be fearless in assuming the responsibility that freedom brings. The freedom of speech in Hong Kong is of paramount importance to the overall modernization and advancement of China. Today, in this Council, we can still officially put on record the documents which LIU Xiaobo has failed to make public, so that our offsprings can read these history files.

Deputy President, Hong Kong people have an unshirkable responsibility in the democratization of China. We, Chinese of this generation, should shake off the curse which is still binding us. It is hoped that other people will be inspired when this group of people, who uphold the freedom of the soul, lose their physical freedom. The fallen petals, in return, will transform into soil to nourish the flower in spring. I hope that (*The buzzer sounded*) our efforts will enable democratic freedom to blossom in China one day.

MR RONNY TONG (in Cantonese): Deputy President, the following conversations are found circulating on the Internet these days, which would make you feel infuriated and have mixed feelings after reading. Here, I would like to share the following conversations with Members.

"Q: Are there any Chinese who have been awarded the Nobel Prize?

A: Yes, but all of them are holders of foreign passports. They are Ding Zhaozhong, LEE Yuan Tseh, ZHU Diwen, CUI Qi, SAI Zhenzhu, QIAN Yongjian.

Q: Are there any Chinese citizens who have been awarded the Nobel Prize?

A: Yes, but all of them are citizens of the Republic of China. They are LEE Tsung-dao and YANG Chen-ning.

Q: Are there any citizens of new China who have been awarded the Nobel Prize?

A: Yes, but he refused to admit himself as a Chinese citizen. He is GAO Xingjian.

Q: Are there any Chinese who admit themselves as citizens of new China and have been awarded the Nobel Prize?

A: Yes, but we do not admit him as a Chinese citizen. He is Dalai.

Q: Are there any Nobel Laureates who admit themselves as Chinese citizens and are at same time recognized by the country as citizens of new China?

A: Yes, but he is in the prison of China. He is LIU Xiaobo."

Deputy President, this is not simply an incident of suppression of dissidents, but a constitutional issue that China is now facing.

Deputy President, before the establishment of the People's Republic of China, the first provisional constitution called the Common Programme was introduced on 29 September 1949. As we can see, Article 5 states that "people of the People's Republic of China shall have freedom of thought, speech, publication, assembly, association". The Constitution of the nation has been rewritten and amended for four times respectively. Article 35 of the Constitution clearly states that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association", whereas Article 41 further states that "Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary."

Deputy President, LIU Xiaobo case is a typical example of conviction for crimes of speech. This also explains why Hong Kong people oppose so strongly to the legislation of Article 23 of the Basic Law. What will be the future of a state if its citizens are not allowed to make criticisms and suggestions, and have no respect for the constitution?

Deputy President, the topic under discussion today is very emotive. I believe all Chinese who consider themselves as Chinese should feel worried about the future of China. Today, we have LIU Xiaobo, I wonder if there will be another LIU Xiaobo tomorrow or the day after tomorrow. However, I

believe all Chinese would wish to have tens of thousands of LIU Xiaobo. Without these tens of thousands of LIU Xiaobo, I fail to see to which direction China will go.

Thank you, Deputy President.

MR CHIM PUI-CHUNG (in Cantonese): Deputy President, our discussion of this topic today is a strong proof of Hong Kong's freedom of speech. While some people may express their views in the Legislative Council, some may advertised on newspaper to sing praises of their idols. The beauty of freedom and the truthfulness of freedom of speech can be reflected in Hong Kong.

Deputy President, we understand that a global force is now targeting at different aspects of China, including its advancement. Apart from capitalizing on political and human rights, issues relating to intellectual property and territorial rights have also been manipulated. In the recent Diaoyutai Islands incident, China has solemnly declared that this is an internal affair and intervention by other countries should be prohibited. However, it is doubtful if China can resolve the problem within a short time. The value of Renminbi, in particular, is also the target of a certain global force. Although this issue may seem irrelevant to the motion today, it is actually expressing the same idea in different words.

Deputy President, Legislative Council Members in Hong Kong are not independent. We are only Members of a special administration region of China. I can see that many Members have used the SAR emblem as their letterhead. Yet, the SAR Government is empowered by the People's Republic of China. In other words, there is no way this Council can escape from the shadow of the People's Republic of China. Against this background, Hong Kong enjoys absolute freedom of speech. Of course, I guess not everyone will agree with me, and I have never claimed to represent any Hong Kong people, even members of my constituency. I hope that the criticisms of government departments and other bodies are made out of our love for China and Hong Kong. No member of the public would like to see any criticisms made for the purpose of opposing China and upsetting the order in Hong Kong. Deputy President, I am sure that my colleagues have made criticisms from their love for China and Hong Kong. And yet, how can we tell the difference? Given the differences in situation and

understanding among us, our stance, background, viewpoints and perspectives may also vary Although there are 60 Members, we all work independently. Whoever obtains voters' support and their votes, and is interested to sit here, will win. Otherwise, this is meaningless.

Deputy President, we understand that different people will have different aspirations. I had once said in this Council that, if we are dissatisfied with the Central Authorities in respect of political issues, especially constitutional reform, we may leave Hong Kong. We may give our endorsement or we may instigate a revolution. The topic under discussion today more or less involves the sacrifice made voluntarily by certain people. Revolution has a price to pay, and that is, our mutual understanding. This has precisely exemplified the cruelty of politics. This is also the price to be paid by people who commit in politics in a society that is not completely democratic.

Deputy President, I had once said in this Council that the process of political evolution may come in different forms. For instance, more than 60 years ago, the Kuomintang and the Communist Party were under different political environment and had different ideologies under a specific circumstance. Many people were prepared to sacrifice or to have miserable or sad endings. There was only one time when the leaders of the two parties shook hands. Therefore, when we studied any event, we should be able to see the evolution of history in terms of its processes and changes. When we make criticisms, we should look at the different circumstances. Therefore, I have all along stressed that Hong Kong people should try their best to do whatever is considered right. On the other hand, no one should forcefully impose his mentality, thoughts or speeches on other people, thinking that he is always right but other people are wrong. So far, I think that today's motion debate is pretty sensible. Just as I have said right at the beginning, the good thing about the freedom of speech is that people can say whatever they like. Whether or not public support is secured, each of us can have our views. Members can express their views to achieve their goals and purposes. I am pretty sure that the majority of the public do not support the original motion today.

MR CHEUNG KWOK-CHE (in Cantonese): Deputy President, last year, Mr LIU Xiaobo was sentenced to an imprisonment of 11 years for drafting Charter 08. Today, one year later, Mr LIU is awarded the Nobel Peace Prize. I

have a mixed feeling of both grief and joy when I heard the news. I feel joyful because Mr LIU Xiaobo's struggle for democracy and human rights in China over the past two decades has finally gained worldwide recognition; yet I also feel grieved because the country's road to democracy and freedom is still paved with a lot of hardships.

Looking back at the Nobel Peace Prize, more than 100 individuals or bodies has been awarded this prize since its establishment in 1901. Some of them work hard to turn hostility into friendship, while some are so benevolent as to commit themselves into assisting and supporting the disadvantaged and the poor throughout their life. Furthermore, there are also Mainland dissidents who fight for justice and democracy, and struggle against the suppression of the totalitarian regime in a peaceful way.

We can see that the former President of Poland, Lech WALESZA, had organized workers to go on strike to fight for their interests in 1970. He was then convicted for "anti-social behaviour" and imprisoned by the Government for one year. Upon release, unafraid of government persecution, he continued to fight for the workers and led the Solidarity to overthrow the communist regime between 1989 and 1990.

The deeds of Nelson MANDELA, the former President of South Africa need no elaboration. He was imprisoned by the former South African Government for 27 years for opposition against the country's apartheid policy. As a result of international sanction and pressure, South Africa finally abolished the apartheid policy in 1990 and MANDELA was freed. Later, he was selected as the first black president of South Africa.

AUNG SAN Suu Kyi, the Burmese politician who advocates non-violent struggle, led the opposition party to win a landslide victory in the election in 1990. However, holding both military and political power, the military government refused to recognize the election result and kept her under house arrest. AUNG SAN Suu Kyi, however, has not given up, and she has sworn to return to the political platform and get democracy back for the Burmese nationals.

As we can see, all these three Nobel Peace Laureates are dissidents with great tenacity. They are bold enough to resist strong power in an attempt to hit a stone with an egg, and they have engaged in longstanding peaceful struggle

against the totalitarian regimes. Their noble spirit should be highly praised by all mankind. Therefore, they really live up to the title of Nobel Peace Laureate.

Looking back at our country, the economy has maintained rapid development since its reform and opening up. Chinese people have assumed an important role in the world stage. Unfortunately, the human rights and freedom enjoy by people in China runs counter to its economic growth. White terror, literary inquisition and restrictions on the freedom of the press have even intensified. Our country is like a parvenu who is very rich but lacks the refinement for his position. Our country arbitrarily infringes on people's civil rights and cracks down on opposition voices to safeguard its totalitarian rule. Mr LIU Xiaobo is one of the martyrs of this era of totalitarianism.

Over the past 20 years or so, Mr LIU Xiaobo has been imprisoned many times for promoting human rights, democracy and freedom in China. However, the strong power has not made him bow. Neither has the ruthless suppression deprived him of his will. He is determined to walk on this non-violent road for democracy. Even if he is imprisoned again, he will insist to move on. This is indeed very admirable. Just as the writer Haruki MURAKAMI has said, between an egg and a high, solid wall, Mr LIU Xiaobo chose to stand on the side of the egg. This is highly commendable.

Friedrich HEGEL, a German philosopher, has a famous saying, "The only thing we learn from history is that we learn nothing from history." I hope that the Beijing Government will give a good thought to this famous saying, and immediately release Mr LIU Xiaobo and other dissidents, human rights activists and democracy activists who are still in jail, so that people nationwide can join forces to build a genuinely strong, free and democratic new China. Otherwise, this weak and fragile regime will be defeated by people's forces in the end. History will again witness how tyranny is being swept over by the flood of history.

Deputy President, I so submit to support the motion.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, the Nobel Prize has all along had a very high standing status in the world, and has gained wide recognition by people and governments from different parts of the world.

Whenever a citizen of a country is awarded a Nobel Prize, the whole country and the government concerned will feel proud and give their commendation. In the past, there were Chinese who had been awarded the Nobel Prizes, and the Chinese Government was pleased to make public the news and praise the winners. This gives an impression that the Chinese Government and even the Chinese societies all consider this award a collective honor of Chinese people on the whole. This time, LIU Xiaobo became the first Chinese to win the Nobel Peace Prize, I think that the Chinese Government should have released the relevant news and congratulated him. Unfortunately, the attitude of the Chinese Government is in complete contrast with what we think, and is contrary to our expectation. I find this unacceptable and feel very frustrated as Chinese people should be pride of this award. Why did the Chinese Government adopt such an attitude?

On 8 October this year, the Norwegian Nobel Committee announced the awarding of the Nobel Peace Prize to LIU Xiaobo. The spokesperson of the Ministry of Foreign Affairs of the People's Republic of China, however, responded that the decision was questionable. According to him, the Nobel Peace Prize should be awarded to people who promote international peace. He said LIU Xiaobo is a criminal, so there is no reason for him to be awarded the Peace Prize. Deputy President, I believe the majority of Chinese people, especially Hong Kong people, would not agree to the comments made by the Chinese Government. On the contrary, they find such a comment pretty ridiculous.

First of all, LIU Xiaobo has become a criminal in the eyes of the Chinese Government because of the political suppression by the public security organs, procuratorial organs and people's courts. In fact, LIU Xiaobo has not committed any offence at all. He has only written a few articles and initiated the signing of the Charter 08. Just as a number of colleagues have said earlier on, this is the fundamental freedom of expression enjoy by all Chinese citizens and the right guaranteed by the Constitution. It is also widely recognized by the world as a fundamental human right. In my opinion, the heavy sentence of 11 years of imprisonment imposed by the Chinese Government on LIU Xiaobo is a violation of human rights. Therefore, it is the Chinese Government which is guilty, but not LIU Xiaobo.

Furthermore, I believe the Chinese Government is also aware that in the century-old history of the Nobel Peace Prize, there were winners who were

serving their imprisonment terms when the Peace Prize was awarded to them. A human rights activist who was imprisoned for his anti-Nazi behaviour, for instance, was awarded the Nobel Peace Prize in 1935. A more recent case, which colleagues have also mentioned earlier on, is AUNG SAN Suu Kyi. There are actually not just one or two cases, but many such cases. Therefore, the criticism or query made against the awarding of the Nobel Peace Prize to a criminal, only a so-called criminal, is indeed unacceptable. On the contrary, we are aware that many countries have instead attached great importance to the award under such a circumstance. To what did they attach importance? That is, why the prize winner would be called a criminal, and why would they still be locked up? I think the State should truly ponder these questions.

Deputy President, whenever the international society criticizes China or takes opposite stance as that of China, the Chinese Government will put labels on them. What label is it? It is something like a "Western Anti-Chinese Choir". Of course, similar labels have been put when LIU Xiaobo was awarded the Nobel Peace Prize. In my opinion, one can certainly put any labels at will, but is there any substantiated value and meaning? Why does the Chinese Government still remain in such a stage after so many years? It really breaks our heart.

While the Chinese Government stresses time and again its outstanding economic development and rising international status, why does it not pay attention to its human rights condition? Why is it so reluctant to make improvements in this regard? In this connection, I hope that the Chinese Government will give in-depth consideration and thought to the LIU Xiaobo incident. Here, what I wish to say is that if the Chinese Government is able to make progress in respect of its human rights and democracy, a future winner of the Nobel Peace Prize will probably not be LIU Xiaobo, but the Chinese Government or even the Chinese Communist Party.

If the Chinese Government considers that people who promote international peace and respect for human rights should win the Nobel Peace Prize, it should take more proactively for this prize by improving the human rights condition in China. This is better than making meaningless criticisms. As a Hong Kong citizen, although I live outside China, I still hope that we can insist on upholding the philosophy of safeguarding the fundamental rights of people in China. We will continue to support China's human rights movement so that our compatriots will enjoy human rights which are up to the international

standard as early as possible. We will promote democratic development to build a better tomorrow for China.

Deputy President, I so submit.

DR MARGARET NG (in Cantonese): Deputy President, regarding the issue under discussion today, "urging the Central Government to release LIU Xiaobo as soon as possible", we actually do not need to say much. What is more important is that we should step forward and take actions to show our support for LIU Xiaobo.

Deputy President, when LIU Xiaobo published the Charter 08, I thought that I did not need to say much as the Charter was about universal values. Many people signed in support of the Charter 08. I also thought that I did not need to say anything special, I certainly supported it. However, seeing that the Central Government sentenced a person to 11 years' imprisonment because of this Charter, it is time for us to step forward and we really have a lot to say.

Deputy President, many people are awarded the Nobel prizes every year. Looking at the Nobel Peace Laureates alone, many are prominent people. Perhaps Margaret NG will not say too much if the case is as simple as LIU Xiaobo being awarded the Nobel Peace Prize. However, it turns out that the Chinese Government has come forward to say, "LIU Xiaobo is a criminal and should not be awarded such a Prize". Not only has his wife LIU Xia been put under house arrest to stop her from attending the presentation ceremony, it went further to say that the Norwegian Nobel Committee should be placed under the control of the Norwegian Government and should not give that award to offend China. If we still do not step forward at this moment, we will be tremendously wrong. I think that all intellectuals and people with a conscience should step forward in high profile.

Deputy President, we should not allow anyone who speaks out the truth to be suppressed and suffered in solitude. Even if we cannot rescue him, we still have to tell him, "You are not alone as we are always with you." If he is a criminal, then we are all criminals. If he has to be imprisoned, then I am willing to give up my freedom and go to jail with him. Deputy President, without

conscience, all economic prosperity and technological advancements that we have achieved are meaningless.

Deputy President, at the Chief Executive's Question and Answer Session on 14 October 2010, Mr LEUNG Kwok-hung invited the Chief Executive to say a few words on the awarding of the Nobel Prize to LIU Xiaobo. The Chief Executive merely uttered the words "No comment". These two words marked the regression of Hong Kong's freedom of speech. Certainly, we all understand that he was trying to avoid singing an opposite tune with the Central Government, or being seen to be confronting it. Yet, he should not forget the importance of Hong Kong to the world and China, which lies in the implementation of "one country, two systems". As we enjoy free speech on this piece of land, we can hold in esteem and respect human rights and freedom.

The Chief Executive, however, dared not say a few words to recognize our support for human rights and freedom of speech. What does this reflect? This reflects the incompetence of the SAR Government, and a total collapse of the moral power and the power of conscience. Deputy President, this is indeed very worrying. Even the most efficient and strongest regime cannot rule by mere force and authoritarianism. If you lose people's heart, you will lose the world. Should the Chief Executive fail to come out with a "presentable" stance, the future of Hong Kong's governance is really a matter of concern.

Deputy President, I have asked some Mainland friends, "Does the awarding of the Nobel Peace Prize to LIU Xiaobo have any special implication?" My friend said, "Yes, it has a strong implication, as everyone is now asking who LIU Xiaobo is. For those did not know who LIU Xiaobo is or what the Charter 08 is about in the past, they are asking who he is and what the charter is about. They are concerned about this incident." The fact that the name LIU Xiaobo is now well-known is not because of the person himself, but the noble spirit that he signifies and the ideals, human rights and freedoms that he pursues. LIU Xiaobo has sacrificed his personal freedom in exchange for the general freedom of the people nationwide. He is not only our role model, but also our encouragement. Deputy President, this is not the first time Chinese intellectuals struggle for human rights and freedom for fellow citizens. Nonetheless, what LIU Xiaobo has done has earned him respect of the world. Being Chinese and members of the world, we should feel very proud.

The name LIU Xiaobo should be spread around. Our debate today is a step forward, albeit a small one. Mr WONG Yuk-man, the step which we have made is really very small, but this is something we must do. Therefore, I so submit to support the rationale of this motion.

MR LEE WING-TAT (in Cantonese): Deputy President, today I speak in support of this motion. I am holding a bottle of champagne, but I am aware that according to the Rules of Procedure, we are not allowed to open it in this Chamber. Nonetheless, I wish to tell the Government that all Chinese and everyone in this world who supports democratic movement, freedom and human rights, consider this his award is worth celebrating.

(THE PRESIDENT resumed the Chair)

The purpose of awarding the Nobel Peace Prize is to commend people for their hard struggle for human rights, freedom and peace. It carries a great symbolic meaning. Being a Chinese, I feel so proud. However, very regrettably, I know that Mr LIU Xiaobo is still in prison and cannot share the joy with us and his compatriots. Hence, I will invite all colleagues, Members of the pan-democratic camp and our President, including all political parties and groupings, namely the Democratic Alliance for the Betterment and Progress of Hong Kong, the Liberal Party and the Hong Kong Federation of Trade Unions to crack open this bottle of champagne in the Anti-Chamber after the meeting, so as to celebrate the awarding of the Nobel Prize to Mr LIU Xiaobo.

President, what disappoints me most in this incident is the Chinese Government. President, Dr SUN Yat-sen said that "Democratization is an irresistible trend". In fact, this statement would have been said for one century in six months' time. The process is certainly hard and many forerunners had sacrificed their lives in the struggle. However, I think that such a trend is really irresistible. While the pace may sometimes be pretty slow, we do joyfully see that different parts of the world have gradually opened up. I remember that a scholar once told me, "After the Second World War, the trend of democratization around the world has witnessed rapid development. The pace was even faster than the period of 50 years before the war." Frankly speaking, a lot of people

are still living under authoritarian rule, but I hope the number will decrease. While I am happy to see the prize being awarded to LIU Xiaobo, I am also aware that there are still a large number of people who have struggled for democratic freedom being locked up, restricted in free movement or even forced to live abroad. LIU Xiaobo is one of the many who have contributed to China's democratic movement. Sometimes, we need not take to the heart that the prize is awarded to Mr LIU Xiaobo, for he is only a symbol to signify the little contribution that each person has been made in the democratic movement. I believe Hong Kong people who have participated in the local democratic movement or supported China's democratization over the past few decades have also made contributions. I personally think that the time for the worldwide democratic movements to blossom is coming soon.

Just as I said earlier on, what choice does the Chinese Communist Party have? One is to continue with its existing high-handed rule, and the other is to open up and allow people to participate in local and national policies in a gradual and orderly manner. Certainly, some people may put forward a broad-brush request for direct election over the whole country, to which I do not concur. And yet, certain places, say towns, counties or provinces, may be opened up for genuine elections to be held. Apart from state-owned newspapers, some privately-owned newspapers may also be permitted, these newspapers should enjoy more freedom so that people's voices can be heard.

President, since you have studied philosophy and politics, you should know that social conflict is the result of the failure of people to effectively vent their anger and dissatisfaction. Take Hong Kong as an example, people rarely talks about revolution regardless how angry they are. People who speak of revolution actually do not know what they are talking about. This is because in Hong Kong, there are numerous intermediaries, such as churches, social groups, political parties and agents, which enable people's voices to be heard. By making use of this buffer, the hostility between the Government and the people can be alleviated. In fact, this is the very basic concept of politics and sociology. People who have received education should understand this.

I learnt that many think-tanks and scholars in the Mainland always talk about one thing, and that is, what will happen when China's Gross National Product exceeds USD\$3,000? The threshold has been crossed. A survey conducted by some think-tanks a decade ago pointed out that, US\$3,000 is used

by most countries or regions which have developed from poor to well-to-do as an indicator to show when they should respond to people's aspirations. In the Mainland, there was active surveillance on the Internet. However, President, as an Internet user, you should be aware that many university students are so smart that they have scaled the wall and obtained international information through various means. Can you imagine how communication can be banned when the use of mobile phones and computers have become increasingly popular among Chinese people?

President, you are a Hong Kong delegate of the Chinese People's Political Consultative Conference. Here in this Chamber, we also have a number of Hong Kong deputies to the National People's Congress and delegates of the Chinese People's Political Consultative Conference. The Communist Party actually does not have many choices, it should develop with people's participation. Even if it can only take one step forward at a time, our 1.3 billion compatriots should feel that the Government is following the global trend and is gradually developing into a democratic, open and free country.

Thank you, President.

MR ANDREW CHENG (in Cantonese): President, regarding this topic, I wish to start from the release of LIU Xiaobo to Hong Kong's current political and cultural environment. From this, I hope that Members would consider how we should struggle for democracy in Hong Kong.

I understand that, just as some colleagues have said, the struggle for democracy has a price to pay. If one chooses to eat salty fish, he should be able to stand thirst. Since we have taken the step, we should face up to the consequences. However, we will not arbitrarily and quietly accept all consequences without knowing the reasons and the underlying principles. Principles do exist in the world. If our motherland really wants to converge with the world, it should not focus only on the economy and the revenue. The most important thing is to take into consideration the free will and human rights of every single person.

We indeed enjoy great freedom in this Council as we can speak our mind freely. However, it is precisely this reason that has made me gravely

disappointed. Let us take a look at the side reserved for Directors of Bureaux, there is no one. Not a single representative of the Government attends this meeting. President, here you are. Just now, when LEE Wing-tat said that he is going to crack open a bottle of champagne, I think perhaps Fred LI, who coincidentally took the Chair as Deputy President during your absence, would allow him to do so. But since you are back, I dare not ask for your permission to open the bottle of champagne. President, I hope that you will maintain your neutrality as President, just as you did in the past. Anyway, without a doubt, whoever sits here has his own political stance. The most valuable thing about free speech is that we can state our aspirations in a peaceful and rational manner on a mutual respect platform. Mr LIU Xiaobo has been able to do so.

On seeing a righteous man, we should try to improve ourselves as to measure up to him; on seeing an evil man, we should search our hearts to see if we have that evil in us.¹⁰ Obviously, Mr LIU Xiaobo is a role model whom we should respect and learn from. In the days to come, how should Hong Kong strive for democracy or strive for democracy amidst resistance? How should we strive for democracy? What we clearly learn from LIU Xiaobo is that we should pursue with perseverance. Ever since the 4 June pro-democracy movement in 1989, he has steadfastly refused to leave his motherland, and he has expressed his principles and philosophies by the most peaceful and rational means. In the pursuit for democracy, he has used his pen, ideology and speeches to influence other people.

Looking back at the situation of Hong Kong, the pro-democracy camp is divided into leftist, rightist and centrist. Some are pretty radical, those speech and temperament is quite different from that of ordinary Hong Kong people; some are pretty moderate, who speak and express their views in a peaceful manner with smiling faces; some take the in-between line and they start to think that reconciliation and compromise with the Chinese Communist Government should be sought after. All leftists, rightists and centrists in Hong Kong believe that the awarding of the Nobel Peace Prize to Mr LIU Xiaobo can remind us how we can best face up to the Communist Party's one-party rule in the future.

There is certainly no definite answer. This is probably a very profound question which can hardly have an absolute answer. However, I hope that

¹⁰ <<http://wjesus.org/confushort.htm>>

colleagues from the pro-democracy camp and members from other coalition, the Democratic Alliance for the Betterment and Progress of Hong Kong, the Liberal Party or any others who do not belong to the pro-democracy camp, can share the same understanding of the word "patriotism". However, under the one-party dictatorship, how can Hong Kong people and this Council, especially the pro-democracy camp, make a compromise if so required and yet still adhere to its principles; and that compromises are not made under other people's coaxing and as desired by other people. This is very essential. I therefore eagerly wish to make use of this motion debate to tell Members that no good results can be attained. This is the case over the past years, and there have been no good results. Although no good results would be attained, I believe the struggle will go on and we will continue to speak the truth.

We should not give up the freedom which we enjoy today so easily; we should not easily give up the ideal which we get hold of and adhere to. This is because some young people in the Mainland have even not heard of the name LIU Xiaobo. Therefore, Hong Kong people should treasure our right to know and freedom of speech, and strive to obtain for our motherland and 1.3 billion people the freedom of speech and the rule of law which they are entitled to, and to struggle for future democratic development.

With these remarks, President, I support today's motion and the amendments.

MR FREDERICK FUNG (in Cantonese): President, I remember that many years ago, a letter entitled *Please use civilization to convince us* was sent by Prof LUNG Ying-tai to State President HU Jintao. In the letter, Prof LUNG Ying-tai spoke for the media which had made blatant remarks and was bold to disclose the current social problems and people's sufferings. She not only criticized the State for manipulating history, but also queried if the State really allowed the media to be independent and if it respected the intellectuals. The letter contained a strong aspiration and expectation that political freedom could develop in parallel with the rapidly developing economy, and that the judgment of rights and wrongs could be based on civilized and rational means. Unfortunately, the open-up and improvements that we witnessed during the Olympic Games, the World Expo and even amid natural disasters were only transient in nature.

Between August and September this year, Premier WEN Jiabao had called for political reform eight times on different occasions, both inside and outside China. He even made a high-profile remark that "stagnation and regression goes against the people's will, and finally it will only lead to a dead end." The remarks have attracted widespread concern. Yet, I wonder if the conservative force is so strong, or the aim of Premier WEN's remarks is merely to build an image of enlightenment and reform for the Chinese Communist Government or to whitewash the incompetent and corrupt governance, the mouthpiece of the Central Authorities, the *People's Daily*, released a remark last week which completely ran counter to the remarks of Premier WEN. It had not only refuted the importance of promoting political reform, but also advocated the old conservative mindset. It stressed that China should not copy the Western political models, or implement the system of multi-party ruling in turn and the separation of the three powers. It should maintain the leadership of the Communist Party and the Communist regime should go on forever.

This is really the sorrow of Chinese people. The expectation of political reform is always held up high but being put down lightly without a trace.

In the face of the dictatorial communist regime, the necessary check and balance on state power has simply gone. The so-called "state interest" always overrides personal rights. Disparity between the rich and the poor and social injustices are common phenomenon. Intellectuals who always stand firmly by the truth are duty-bound to shoulder a responsibility. It is their embrace of human rights, respect for life, perseverance for humanity and insistence on the freedom of speech that enable them to face the autocracy fearlessly, die a martyr's death and taste the bitter fruit. As LIU Xiaobo has said in a CNN interview, "From my personal angle, I feel in a dictatorial society, you must be prepared to go to jail. If you want to be an honest person, fight for human-rights improvement and free speech going to jail is part of what you are undertaking, and there is nothing to complain."

Are the virtues espoused by the Chinese intellectuals in their selfless pursuit of truth and human rights not align with the underlying principles of the Nobel Peace Prize? Nonetheless, the Chinese Communist regime has not only exerted pressure on the Norwegian Government before the announcement of the award to LIU Xiaobo, it has even interpreted the honor as a conspiracy after the announcement. The remarks that the award was an intervention of internal

affairs and a blasphemy to the Nobel Peace Prize can be likened to a barbaric and uncivilized athlete, who only criticizes the decision made by the organizing committee as unfair but disregards the numerous violations made by him. This is indeed not how a great nation should behave. A sea is great because it can accept all rivers. If there are mistakes, we will correct them; if we have not done anything wrong, we will take that as an advice. And yet, these are nothing but empty words.

As a matter of fact, the Nobel Peace Prize and politics are obviously inseparable. It is the stated principle that the Nobel Peace Prize is to be awarded to a person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses.¹¹ Previous Nobel Peace Prize Laureates include politicians like the incumbent President of the United States Barrack OBAMA, Archbishop Desmond TUTU and former President Frederik Willem de KLERK of South Africa, former President of Poland Lech WALESA and former President of the United States Jimmy CARTER. Many of them are promoters of political reforms.

When the Norwegian Nobel Committee explained why LIU Xiaobo was awarded this year's Nobel Peace Prize, it has highlighted that China has the world's second largest economy and its new status must entail increased responsibility. Also, China must comply with Article 35 of the Constitution, which provides that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration". This decision reflects that the Norwegian Nobel Committee has considered the world's views about the rising China by stating that the recent economic development should go hand-in-hand with the development of political freedom. Its human rights condition should also keep abreast with the times. These are actually in line with the ideologies and thinking of Chinese intellectuals.

President, LIU Xiaobo is exactly the representative figure of intellectuals who have been working silently behind the scene, tasting the bitter fruit and being unjustly imprisoned. The honour to LIU Xiaobo carries the sincere expectation of Chinese people to political reform. Just as LIU Xiaobo has said, the Nobel

¹¹ <http://nobelprize.org/nobel_prizes/peace/shortfacts.html>

Peace Prize of this year should belong to all mankind and the lost souls of the 4 June incident.

I urge the Chinese Authorities to immediately release LIU Xiao, so that China can march onto the road of freedom in pursuit of political reform and respect for human rights.

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

MS AUDREY EU (in Cantonese): President, our country has participated and even organized a number of grand events in recent years, including the Olympic Games, the World Expo and the Asian Games. The purpose is to prove to the world that China is rising peacefully and has emerged as a respectable great nation.

Ironically, when a Chinese citizen has won worldwide recognition and was awarded the Nobel Peace Prize, the Chinese Foreign Ministry has condemned and queried the award of the prize to a criminal of the state. It went further to say that this is a blasphemy to the Nobel Peace Prize, which is indeed very saddening.

In the speech given by Mr CHIM Pui-chung earlier on, he said that the struggle for democracy has a price to pay and an individual's choice should be respected. However, I want to tell Mr CHIM Pui-chung, the struggle for democracy is not a personal matter for one's own interest. Rather, it is a matter of public interest and is universally agreed.

Some people said, "I do not think so. Has LIU Xiaobo not been convicted by the State?" I advise that scholars — I like this term very much, which is often used by Dr Margaret NG — should think what crime LIU Xiaobo has actually committed. The major offence is mainly the drafting of the Charter 08.

President, I have read the Charter 08 and signed it because the content is similar to that of our Basic Law. If one looks from this angle, I am also an accomplice. I have also read the entire verdict of the case of LIU Xiaobo, and I appeal to all colleagues or members of the public who have not read it, to take a look at it and find out what crimes LIU Xiaobo has committed.

In fact, the verdict is really worth reading as it is very comprehensive. Sometimes, people may think that the verdicts of the Mainland are brief and hasty. Some people said that the charges are unwarranted, and the content is hasty and brief. Yet, this verdict is not. On the contrary, it is very concrete and has clearly set out the charges of LIU Xiaobo. It reads that, "Between September and December 2008, defendant LIU Xiaobo, in collusion with others, drafted and concocted Charter 08, putting forward various propositions such as 'abolish one-party monopolization of ruling privileges' and 'establish China's federal republic under the framework of constitutional democracy' in an attempt to incite the subversion of the current state power." It then went on to say that, "After collecting over 300 signatures, LIU Xiaobo submitted Charter 08 and its signatures via email to overseas websites and publicly posted it on overseas websites, such as those of Democratic China and the Independent Chinese PEN Center."¹²

Furthermore, the verdict also contains a lot of detailed "evidences", clearly setting out what LIU Xiaobo has done. Generally speaking, when instituting a prosecution against someone for or substantiating the charge of subversion of a state (especially not a small state, but a great and prominent state such as the People's Republic of China, which is capable of sending people to the moon), clear description is necessary to detail how such a powerful nation can be subverted. The verdict has listed a large number of evidences, which cover a few pages, clearly setting out at what time, on which day and through which website he delivered the articles. There are a total of 19 points. Apart from releasing articles and drafting Charter 08, no other evidence has been given.

How did LIU Xiaobo respond? He said that he was only exercising the right of freedom of speech which a Chinese citizen is entitled to and guaranteed by the Constitution. Then, what did the verdict say about the crimes that he has committed? I think this is very worth reading. It says, "This court believes that defendant LIU Xiaobo, with the intention of overthrowing the state power and socialist system of our country's people's democratic dictatorship, used the Internet's features of rapid transmission of information, broad reach, great social influence and high degree of public attention, as well as the method of writing and publishing articles on the Internet, to slander and incite others to overthrow our country's state power and the socialist system. His actions constitute the crime of inciting subversion of state power. Furthermore, the crime was

¹² <<http://www.hrichina.org/public/contents/press?revision%5fid=173860&item%5fid=172713>>

committed over a long period of time, and the subjective malice was immense. His articles were widely linked, reproduced, and viewed, spreading vile influence. He is an offender of a major crime and should be given severe punishment according to the law." In other words, the fact that his articles are widely read has constituted a serious crime, which is beyond the scope of the freedom of speech. It says, "..... have amply proved that LIU Xiaobo used the media features of the Internet and by means of publishing slanderous articles online carried out activities that incited subversion of our country's state power and the socialist system. LIU Xiaobo's actions have obviously exceeded the freedom of speech category and constitute a criminal offence."

President, very apparently, this is a speech crime. Such a result is attributable to the fact that he is very influential, and his words have been widely recognized.

President, sometimes one may become an accomplice for being silent. That is why we need to speak out and vote in support of today's motion and the amendments. Thank you, President.

MS EMILY LAU: President, on 8 October, members of the Democratic Party gathered in a restaurant in Kowloon to celebrate the Party's 16th anniversary. But what made all our members and guests particularly jubilant was the news that the Nobel Committee has decided to award the Peace Prize to Mr LIU Xiaobo, a celebrated Chinese intellectual who was sentenced to 11 years' imprisonment for "inciting subversion of state power." President, to many people campaigning for democracy and human rights in China, the Nobel Committee's decision was a powerful shot in the arm. Mr LIU's selfless efforts in promoting human rights in China, particularly his work in authoring and promoting Charter 08, has won the respect and admiration of many people. Charter 08 is a manifesto of the aspirations of the Chinese people for constitutional democracy, freedom, human rights and equality. It also represents the common aspirations of mankind and the commitments of a civilized society.

Since the Beijing massacre of 1989, Mr LIU has been repeatedly imprisoned for expressing his views. But even in prison, he stands firm on Charter 08 and the conviction of a democratic China. He is a symbol of the will and conscience of the Chinese people.

President, the award will be presented to Mr LIU or his representative in Oslo on 10 December, which is International Human Rights Day. But it is highly unlikely that Mr LIU would be released from prison to receive the award. In fact, when the news broke, Beijing reacted with anger and dismay and imposed a news blackout. Coverage in the official Chinese-language media was largely muted and Mr LIU's name simply disappeared from the Mainland cyberspace.

This is ironic because the Nobel Prize carries a lot of weight in China and many people are eager to see a Chinese national getting the award. The authorities even organize special sessions in high schools to talk about the Nobel Prize.

But on this occasion, the Nobel Committee's decision was the last thing the Chinese Government wanted to see. Apart from the news blackout, the authorities also placed Mr LIU's wife under house arrest. No reason has been given for this barbaric treatment. This is sheer lawlessness.

A spokesman for the Foreign Ministry said giving the award to a criminal was equivalent to encouraging crimes in China and the act constitutes a violation of China's judicial sovereignty. He accused the Nobel Committee of being biased and said western governments had no right to interfere in China's affairs.

Echoing these remarks, President, the English-language state media accused the West of waging endless ideological wars against China, from Google threatening to withdraw from China earlier this year, to awarding the Nobel Prize to a Chinese criminal. They said this was part of a concerto supplemented by various NGOs, economic entities and international organizations orchestrated by developed countries. The aim was to harass China's growth and press China to surrender more economic interests. Such a siege mentality is astounding and shows an utter lack of confidence.

Responding to Beijing's condemnation, the Chairman of the Norwegian Nobel Committee, Mr Thorbjorn JAGLAND, said China has every reason to be proud of what it has achieved in the last 20 years: "We want to see that progress continue," he said, "and that is why we awarded the Peace Prize to Mr LIU? If China is to advance in harmony with other countries and become a key power in upholding the values of the world community, it must first grant freedom of expression to all its citizens."

Mr JAGLAND said the Chinese authorities were wrong to say no one has the right to interfere in China's internal affairs. This is because international human rights law and standards are above the nation-state, and the world community has a duty to ensure they are respected. As the world moved from nationalism to internationalism, President, the fundamental rights of all people are defined in the Universal Declaration of Human Rights, which said nation-states no longer have ultimate and unlimited power.

Mr JAGLAND said universal human rights provide a check on arbitrary majorities around the world, whether they are democracies or not. Even though China is not a democracy, it is a member of the United Nations, and it has amended its Constitution to comply with the Universal Declaration of Human Rights.

Mr JAGLAND said Mr LIU's imprisonment is clear proof that China's criminal law is not in line with its Constitution. Mr LIU was convicted of "spreading rumours or slander or any other means to subvert the state power or overthrow the socialist system." In a world community based on universal human rights, Mr JAGLAND said it is not a government's task to stamp out opinions and rumours. Governments are obliged to ensure the right to free expression — even if the speaker advocates a different social system. Thus it is a tragedy to see a man being imprisoned for 11 years merely because he was expressing his opinion.

President, as the power struggle in Beijing intensifies in the run-up to the transition of power in 2012, I hope the Chinese people can also look forward to democratic institutions in our own country. And you and I know that if the people have a choice, they will want to have a government that respects human rights and a government that will not lock up its people merely because they want to express their opinions.

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

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

MR JEFFREY LAM (in Cantonese): President, the case of Mr LIU Xiaobo and his recent award of the Nobel Peace Prize have aroused a lot of controversies in

both Hong Kong and many other overseas countries. Different views are held by different people.

Many people of Hong Kong have expressed their views on this matter through different channels. One of the precious things about Hong Kong's freedom of speech is that people can freely discuss various issues. Many people have spoken out of concern for Mr LIU Xiaobo and the development of democracy in the Mainland. We should respect all discussions on the matter as long as they are conducted peacefully and rationally.

President, under the principle of "one country, two systems" implemented in Hong Kong, the freedom of speech is enshrined in the Basic Law. All along, the SAR Government and the Legislative Council have been vigilantly upholding the "one country, two systems" principle and safeguarding the various freedoms and rights enjoyed by the people of Hong Kong. The "one country, two systems" principle works both ways and we cannot hold double standards. Hong Kong people do not want the Central Authorities to interfere with Hong Kong's internal affairs and our judicial independence; conversely, we should respect the systems and laws in the Mainland.

The case of LIU Xiaobo was heard and sentenced according to the judicial procedures in the Mainland. LIU Xiaobo was sentenced to 11 years' imprisonment and two years' deprivation of political rights on the charge of "inciting subversion of state power" by the First Intermediate People's Court of Beijing Municipality.

LIU Xiaobo subsequently appealed to the Higher People's Court of Beijing Municipality. The Court rejected his appeal and upheld the first trial's verdict on account that the court of first instance had confirmed the facts of the case, made an accurate verdict and handed down an appropriate sentence.

President, while I respect the right of individuals to hold different views on the matter, different legal systems are practised in the Mainland and Hong Kong. Under the principle of "one country, two systems", it is neither appropriate nor correct for the Legislative Council, acting in the capacity of Hong Kong's legislature, to interfere with the Mainland's judicial system. The Legislative Council neither has the right to request the judicial authorities in the Mainland to change its verdict. Otherwise, it will constitute a breach of the "one country,

two systems" principle and a disrespect to the constitution and systems of the country.

President, I so submit.

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

MR PAUL CHAN (in Cantonese): President, I had mixed feelings when I learnt that Mr LIU Xiaobo was awarded the Nobel Peace Prize. I was happy because Mr LIU's award was a glory for the Chinese people; yet I also worried about the Mainland's reaction. Is the award of the Peace Prize to LIU Xiaobo by the Nobel Committee an alternative form of pressure exerted by foreign countries on the Chinese government?

In the past decade or so, the rapid economic development of China has attracted interferences and pressures from various fronts. I believe we are all very clear about what had happened from news reports in the past six months or so. Over the period before and after the award of the Peace Prize, the Japanese Government has been stirring up conflicts over the Diaoyutai Islands again. Japan has instigated these blatant acts of bullying by seizing the opportunity that China is seeking to develop under a peaceful environment and will refrain from engaging in disputes with other countries unnecessarily. Moreover, the dispute may even have the backing of the United States. Recently, the United States has made clear its intention to interfere in affairs related to the South China Sea. The United States Secretary of State Hillary CLINTON even went so far as to say that trilateral talks should be held by China, the United States and Japan over the issues of the Diaoyutai Islands and the South China Sea. President, I am infuriated by these remarks because the United States and Japan are really acting like thugs. In this case, a thug, who has stirred up trouble, turned to solicit help from "Big Brother" to settle the matter through threat and intimidation.

President, I have said before that the Chinese history of the last century was written in blood and tears, particularly the chapter about the winding road from the abolition of feudalism to the development of democracy. As the fight for democracy is still going on, I must talk about the 4 May Movement where university students and intellectuals took to the streets to struggle for "Mr

Democracy and Mr Science". Today, with the successful launch of satellites and rockets, China has made remarkable achievements on the frontier of science. However, what about the frontier of democracy?

Throughout Chinese history, there are countless cases of literary inquisition and speech crime prosecutions, and one cannot help but sigh with sadness when reflecting on these historical accounts. In a mature civil society as Hong Kong, people naturally feel offended and worried about being prosecuted for their speeches. In the past, many emperors from different dynasties have adopted various means to suppress intellectuals and eliminate the naysayers in order to buttress their political powers. These emperors also adopted the policy of keeping the people in ignorance so as to facilitate their governance. However, this mode of governance will not and cannot be accepted by the public today. As education becomes more popular, people are getting more enlightened, and coupled with the fact of the increasing flow of information and free exchanges, rulers will not and cannot resort to obscurantist rule any more. Moreover, social values are constantly changing, from worshipping authority and being submissive to rulers in the past to valuing human rights, equality and freedom in the present days. Gradually, human rights, freedom and equality have become universal values. As an important member of the global village, China has to grasp these universal values and reflect on how these values have a bearing on our society.

A society with no opposition voice is terrifying. Absolute power corrupts absolutely. There must be voices of opposition in a society, and even though the views of the opponents may not be correct, the society can still get closer to the truth through debate. As such, the society will have a more thorough and comprehensive understanding of the issue in question, and the chance of making mistakes can be lowered; even if mistakes are made, they can be rectified at an early stage. The voices of opposition serve to check and prod those in power so that they will not lose touch with the people.

For me, Mr LIU Xiaobo's award can at least bring out the positive impact I just mentioned. I am deeply distressed that Mr LIU was heavily sentenced for his speech crime, and I do not concur with the restriction imposed on his wife's freedom of movement. But, President, as we are contemplating on this motion, I think we cannot consider it from the perspective of the Hong Kong people alone. We must engage in reverse thinking and put ourselves in their shoes. With the opening up of China in 1978, I was travelling all over the country in the early 1980s to give lectures and conduct business. From my personal experience, I

feel deeply that while China is currently the world's second largest economy, it is still very poor in that many places are very backwards. We should not just focus on the rapid development of big cities and ignore the existence of adversities. During the early days of China's reform and opening up in 1978, out of the total population of 1.3 billion, 900 million people were peasants and among them, 240 million people were living below the poverty line. After 30 years, there are still 700 million peasants in the Mainland and most of them have little education. Nowadays, there are still several tens of millions of people living in poverty. Insofar as economic development is concerned, discrepancies are created as a result of vast differences in geography, ethnicities and wealth distribution. In face of such a difficult and complex society, the Chinese government must carry out its reforms in an orderly manner with due regard to priorities.

At the same time, given the highly intricate intra-party politics of the Chinese Communist Party, as well as the extremely treacherous and complicated international political environment, all these involve issues that I, as an ordinary Hong Kong citizen, cannot easily understand or grasp. I am just a patriotic Hong Kong citizen and a professional with a certain level of education. I speak out my thoughts with honesty and love. I trust that the relevant authorities in the Mainland should have heard what we have said today. Even though there may not be any breakthrough in the political reform of Mainland China in the short term, there should be improvements in the long run.

Recently, Premier WEN Jiabao of the State Council has stated that, without the safeguard of political reform, the fruits of economic reform would be lost. I greatly agree to this remark as I am sure that political reform will certainly follow the steps of economic reform. We are now in a transitional period to move into a new stage. Political reform is nothing easy for a 1.3-billion-strong country with vast differences in education, wealth distribution, geography and ethnicities spanning across its territory. While we are voicing our views to caution or prod the Chinese government in this Chamber, we must also give it time to figure out its actions or contemplate the way ahead. I hope in the not-too-distant future (*The buzzer sounded*) the Chinese government can adopt a more lenient approach towards the dissidents, embrace various divergent views

PRESIDENT (in Cantonese): Mr CHAN, speaking time is up.

MR PAUL CHAN (in Cantonese): and allow greater press freedom

PRESIDENT (in Cantonese): Mr CHAN, speaking time is up.

MR PAUL CHAN (in Cantonese): Thank you, President.

MR JAMES TO (in Cantonese): President, as I see it, Mr LIU Xiaobo is being prosecuted for his speech crime. While most of the people in the world see him as a man who speaks according to his conscience for human rights and his own beliefs, the Chinese government sees him as a criminal.

President, the freedom of speech is very important. As many colleagues mentioned earlier on, it can induce exchanges of thoughts and instigate deeper discussions. Free speech can sometimes be disagreeable. People under criticisms may feel uneasy and offended. A government under criticism may lose its credibility and hence, resort to suppression. Nonetheless, some governments have chosen the road of reform and gradually pulled their distance with the people closer. President, the freedom of speech is indeed very important. Ironically, even if ordinary citizens in Mainland China direct criticisms at the Chinese Communist Party, it has seemingly yet to reach a stage where they would be suppressed and arrested immediately. However, a recent incident has happened in Hong Kong which makes me start worrying about free speech in Hong Kong.

President, there is a recent press report about a Halloween function organized by a Catholic Church in Hong Kong. As I see it, the said Catholic Church is being witty and alternative in organizing such a function because it can provide some light-hearted moments for both Catholics and non-Catholics to reflect on their beliefs and for other people to ponder on the meaning of Halloween. In this function, a priest was speaking rather humorously and remarked that property developers were devils because they built "inflated flats"; and if certain tycoons were to attend the function, they would be scared even more. Afterwards, it turned out that a Mr MA, the head of the corporate strategy unit of a company owned by a tycoon, called up a leader of the Catholic Diocese demanding that the priest's remarks be dealt with seriously. President, I think

one must be extremely cautious when it comes to saying that certain remarks are to be dealt with seriously. I have also done some self-reflection and my conclusion is that the said Mr MA is also entitled to his free speech because he, as a Catholic, could have written to the Catholic Diocese expressing his disagreement with the priest's remarks. However, when it comes to demanding a leader of the Catholic Diocese to deal with the remarks seriously, I think it is clearly an act aimed at suppressing the freedom of speech.

President, I am a Christian and I know many pastors who are very concerned about issues relating to social justice. For example, they will review whether any major events have happened in the past two to three weeks that can serve to illustrate to their congregations the teachings of Christianity and the Bible or the presence of injustices in society. They would raise these matters for discussion or even lash out on certain property developers who are going all-out for profits. They would talk about the developers profiteering through "inflated flats" and whether it is the proper way to make money. Such discussion is in fact very normal, especially during functions attended by a pastor and his followers. It is quite common for a pastor to talk about these issues with his followers. Otherwise, what else can they talk about? If they are not allowed to comment on the personal conduct of other people or the values and standards adopted by society, what else can they talk about? If these remarks are to be dealt with seriously, I am afraid that the freedom of speech in Hong Kong will become worse than that in the Mainland. As I just said, even the Communist Party would allow criticisms made by ordinary folks in Mainland China as long as the people do not engage in any mass or inciting activities. Why then does Hong Kong stoop so low?

President, if Mr LI Ka-shing or his assistant can hear what I have just said and admits that he got all fired up just because his name or the conduct of property developers were mentioned in a small common-place function and that it was unacceptable, then allow me to say, with all due respect, that Mr LI has in fact lost touch with society. However, if the whole thing was not orchestrated by Mr LI himself, I would very much hope that he can come out to make a clarification. He should also reprimand his employees for making such a big fuss so that they will refrain from immediately mobilizing the machinery of the entire group to suppress any negative comments or criticisms about Cheung Kong (Holdings) Limited, Hutchison Whampoa Limited or Mr LI himself whenever they appear. In fact, that was exactly how a former government official would

react. Whenever she was criticized for education matters, she would immediately lined up school principals, chairmen of parent-teacher associations, or even school supervisors and managers to retort vehemently. We must cherish the freedom of speech in Hong Kong and I implore all of you to commit on its practice so that whenever we see injustice, we will stand up, speak out and put things right.

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

MR FRED LI (in Cantonese): President, I have previously moved a motion in this Council on behalf of the Democratic Party when the sentence of Mr LIU Xiaobo was made known. Today, we revisit the case at this particular moment as Mr LIU Xiaobo was awarded the Nobel Peace Prize. The announcement, which came on the day of the Democratic Party's fund raising dinner, is indeed the best present for us.

I have many thoughts on this case. Just now as I took the chair as Deputy President, I heard the speeches made by many Honourable colleagues. What I want to say is that many people from Mainland China have approached us, hoping to understand the views of the Democratic Party on various issues. They have also argued with me on LIU Xiaobo case. However, they are very adamant about one point and that is also the view held by some Chinese officials; in their views, China has its own legal system and Hong Kong has its own legal system, the two systems are different and hence, we should not interfere. As LIU Xiaobo has violated the laws of China, it is appropriate for the Chinese authorities to arrest him.

This is exactly where the question lies. Earlier on, some Members, I recall it might be Dr Margaret NG, who talked about universal values. However, the question is that some Chinese officials do not believe in the existence of universal values. A government practicing dictatorship and having zero tolerance for other views does not believe in universal values. But Members from the pan-democratic camp who speak on the motion today believe in universal values.

What is meant by universal values? It is the notion that human rights have no frontiers. For anyone who has committed speech crimes, so long as he

has directed criticisms against the ruling government and the persons in power; so long as he has published articles on the Internet, has met with certain persons or has co-signed certain charters — the case in point is Charter 08 — he can be sentenced to 11 years of imprisonment. This implies that this government will not allow its people to put forth any different views. The person convicted is not staging a revolution or instigating armed insurrections or riots, yet he was sentenced to 11 years of imprisonment. That is a matter involving universal values for which the people of Hong Kong must speak up. Of course, many colleagues would say, "Those who love the country and love Hong Kong should have tolerance. We should take things easy." Earlier, I also heard some colleagues from the pro-establishment camp say that, "Take it easy, our motherland will develop towards a good direction and things will slowly get better." However, when will that be?

The Communist Party of China has ruled the country since 1949. I have seen many movies or television dramas produced in the Mainland depicting the hardships as well as acts of oppression from Kuomintang suffered by the Communist Party before it came into power in 1949. Many forward-thinking members of the Communist Party were beheaded, put behind bars or detained for the same reason that they had said things not pleasing to the ears of those in power. Many Communist Party members with high ideals, many passionate youths, academics and famous writers have suffered from high-handed oppression and were sentenced to imprisonment, some were even executed. At that time, members of the Communist Party have suffered badly under the corrupt government of the ruling Kuomintang.

Nowadays, the Communist Party has been in power for over 60 years. Why is it still so lacking in confidence? Why does it still not allow its people to express their personal views? We understand that a population of 1.3 billion is by no means a small number, and there are huge differences between various provinces and regions in the country. There are problems with the ethnic minorities, religions and languages. But all these are no excuse that the Communist Party, as the ruling party, should suppress the free thoughts and speech of its people.

We understand the difficulties faced by the Chinese government. With only about 7 million people in Hong Kong, the Chief Executive still has a very hard time with his administration which is plagued with problems. We also

know that President HU Jintao and Premier WEN Jiabao have to handle many problems. However, it is no excuse to allow the government to suppress its people. That is a matter involving universal values, the notion of universal values. However, some Honourable colleagues may still think that, "This is not how things should go. You have to understand that we must take things slowly so as to give the Chinese government an opportunity to gradually make corrections and changes."

But we have been waiting far too long. Today, the economy of China is indeed much more open than its politics. The Chinese economy has been running a long distance with quick and wide strides. A handful of people have become very wealthy. In Hong Kong, the prices of luxury properties have soared as a result of influx of "hot money" and the buyers are all Mainlanders. Although I am clueless as to how they can make so much money, these people really do come to Hong Kong to buy luxury properties with cases of banknotes. As a result, property prices have been spiralling. However, does the economic take-off of China mean that the country has become more open? Or has wider participation been allowed in the political system? Or has a more lenient approach been adopted towards dissidents?

No, that is not what we see. If we fail to see the whole picture, I would be grateful for some enlightenment. Take for example the case of LIU Xiaobo, if he were to draft a Charter 08 in Hong Kong to direct criticisms against the Hong Kong Government and urge people to co-sign the charter, would the Hong Kong Government arrest him and sentence him to 11 years of imprisonment? If we honestly ask ourselves, would something like that happen? I think the answer is, as those Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong often say, "we all know too well".

I believe that these universal values do exist. But if someone does not think so, we must be communicating on different channels and hence, we can hardly have any real conversation. By believing in universal values, it means that no matter how difficult the task of governance is, the government should never use its powers to suppress the dissidents. It is as simple as that. Of course, it would be an exception if someone is trying to overthrow the government through terrorist activities. But this is not the case before us. Although we love the country and we love Hong Kong, we will not support categorically all things done by the Communist Party. This is exactly the

difference between us and you, Members of the pro-establishment camp. I so submit.

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

MS MIRIAM LAU (in Cantonese): President, earlier on, the Nobel Committee has decided to award this year's Peace Prize to LIU Xiaobo, the Chinese dissident imprisoned for "inciting subversion of state power". Different parties have different interpretations and views on this news.

On one hand, some people consider that as LIU Xiaobo has, in the past 20 years, never deviated from his belief in advocating universal values such as human rights and freedom through peaceful and rational means, he well deserves the Prize. They feel joyful as this is the first time a Chinese was awarded the Nobel Peace Prize.

But on the other hand, some people feel that the award of the Nobel Peace Prize to LIU Xiaobo is heavily loaded with political implications. From the legal point of view of China, LIU is a criminal who has violated Chinese laws. By awarding the Peace Prize to LIU Xiaobo on account of his advocacy for human rights and freedom, the Nobel Committee has provoked the Chinese government. Moreover, according to the will of Alfred NOBEL, founder of the Nobel Prizes, the Peace Prize should be awarded to someone who has worked for fraternity and friendship between nations and states, for the reduction of standing armies and for the holding and promotion of peace congresses. Hence, it is not entirely unquestionable as to whether LIU Xiaobo has totally met with the requirement.

In fact, the award of the Nobel Peace Prize has generated a lot of controversy through the years. Last year's award to Barack OBAMA, the President of the United States, has sparked off loads of questions about how much contribution he had actually made in promoting world peace so soon after his inauguration. OBAMA, who was just eight months in office then, also said he was surprised and deeply humbled by the award.

We also notice that the award of this year's Nobel Peace Prize to LIU Xiaobo has not only aroused much doubt from people in the Mainland, but also among overseas Chinese dissidents.

President, while I do not want to comment on whether Mr LIU's award is deserving, I note that many Hong Kong people has felt honoured about the award of a Nobel Prize to yet another Chinese, just like the previous award of the Nobel Prize of Physics to Dr Charles KAO, former Vice-Chancellor of The Chinese University of Hong Kong. Moreover, it is the first time a Chinese has been awarded the Nobel Peace Prize.

We also note that many people who show concern about LIU Xiaobo intend to take the opportunity of the Nobel Peace Prize award to lobby for his early release. They consider that as LIU is just a scholar who has never used violence in his struggle, the imprisonment term of 11 years is excessive.

In fact, we can see from press reports that in recent years, the sentences meted out to those also charged with "inciting subversion of state power" are generally three to seven years of imprisonment.

Therefore, the Liberal Party opines that it will be a good thing if the Central Government can consider the views from various parties and grant early release to LIU Xiaobo on humanitarian ground. I trust that it will help reduce the suspicions felt by overseas countries about the rise of China.

We also hope that throughout the process of China's emergence, reforms and progress will be made continuously on all fronts. In fact, it has been clearly stipulated in the recently-passed Communiqué of the Fifth Plenum of the 17th Central Committee of the Communist Party of China that reform must be pushed forward in every realm including those in the economic, political, cultural and social systems.

Moreover, when visiting Shenzhen in August, Premier WEN Jiabao has stressed that China should push forward not only economic restructuring but also political restructuring. All these are signs that reforms in Mainland China are imminent.

Therefore, we as Chinese citizens should support the further reform of our motherland. However, given the overriding importance of respecting the "one

country, two systems" principle, we consider that it is neither suitable nor appropriate for this Council to interfere with the affairs of the Mainland. But in the original motion, a request has been made for "the Central Government to release LIU Xiaobo and all political dissidents immediately". We consider that such a request is not only out of the bounds of the powers of the Legislative Council, but is also inappropriate because it has interfered with the specific actions taken by the Mainland judicial authorities and hence, constituted a breach of the "one country, two systems" principle.

As such, although we share the deep concern felt by many Hong Kong people about the progress of reform in the Mainland and the condition of Mr LIU Xiaobo, we cannot support the original motion. By the same token, we can neither support the two proposed amendments.

President, I so submit.

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

MR KAM NAI-WAI (in Cantonese): President, while I do not intend to speak originally, I must do so now having heard the views expressed by two colleagues on today's motion. I want to respond to the last point raised by Ms Miriam LAU first. As she put it, while she also agreed that the Central Government should consider releasing Mr LIU Xiaobo early, the request we made in the motion for releasing him immediately was out of the bounds of the powers of the Legislative Council. President, I do not know whether Ms Miriam LAU is challenging your judgment because I think if it is indeed out of the bounds of our powers, your goodself will disallow the moving of this motion today. I believe it is the right of Members of the Legislative Council to debate on this motion so that we can make known our views that human rights know no border. Just now, the Liberal Party held that under certain circumstances, there might be some views that there were other reasons for this Nobel Peace Prize award, for example, it was an act of provocation to the Chinese government. However, we must consider what is the real meaning behind awarding the Nobel Peace Prize to Mr LIU Xiaobo and whether it is worthy of our recognition.

This recognition is expressed by Ms Miriam LAU just now when she said that as fellow Chinese, the people of Hong Kong more or less felt honoured about

the award of the Peace Prize to LIU. Then why do they dare not cast a vote in support of the motion? Mr CHAN Kin-por likewise said something similar just now. Sorry, it was Mr Paul CHAN, I often mix them up. Mr Paul CHAN said time and again that we should put ourselves in their shoes when contemplating this matter, such as by considering the complex scene of international politics or the complex political situation of the Chinese Communist Party. While all these issues in the background may be highly complex, the most important question is whether the matter itself is worthy of our support.

This is in fact a long-standing question. Using Mr Paul CHAN's rhetoric, it is the question of "Mr Democracy and Mr Science". Mr Science is already capable of launching rockets and China is working on moon landing expeditions. Then what about Mr Democracy? If we, as Hong Kong citizens, dare not speak out from our conscience here in Hong Kong where free speech prevails, will Mr Democracy become more and more elusive to us?

I want to make one last point. As I recall, Ms Cyd HO just said that Members from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) may have a lot to say later on when discussing the motion on animal rights. They raise the matter of animal rights for discussion, but when it comes to human rights and other universal values, they seem to have not much to say.

My vital point is that in the motion to be moved by Mr CHAN Hak-kan later on, he has this to say: "[T]he animal welfare policy in Hong Kong lags far behind the standards of other developed places in the world." When it comes to animal rights, Mr CHAN considers that we should converge with the world by making reference to the standards of the world. President, Mr Albert CHAN has voiced similar expectation in his proposed amendment to this motion on "Releasing LIU Xiaobo" by requesting that, "[T]he Central Government, while pursuing economic development, should also converge with the world as far as possible on social, cultural and human rights issues, etc." Our expectation is for the country to converge with the world on the respect of universal values as well as the handling of human rights, cultural and social issues while pursuing economic development. Why do they talk about catching up with world standards when it comes to animal rights, but dismiss the same need when it comes to human rights? I hope Members from DAB can respond to that point later on. Is it really the case as reported by the press earlier that human rights and human beings are far less important than animals? I personally consider it pathetic.

I think each and every one of us, as Hong Kong citizens and Chinese living in Hong Kong, are duty-bound to make use of our freedom of speech to convey to the Beijing Government, the Chinese Government the message that "human rights know no border". We should not shut up because there is oppression. We should not stay silent because an order has come from the Beijing Government. We should all speak out from our conscience.

President, I just want to say again Mr Paul CHAN has just entered the Chamber. I hope he can support this motion and its amendments later on because he also mentioned just now that the arrival of Mr Democracy was long overdue. I think as Hong Kong citizens, we all hope for the early arrival of Mr Democracy in the Mainland. As Hong Kong citizens, we should cast a vote of support for the motion.

Thank you, President.

MR TAM YIU-CHUNG (in Cantonese): President, just now, Mr KAM Nai-wai delivered a veiled attack on the Democratic Alliance for the Betterment and Progress of Hong Kong. It was totally uncalled for and he should not put the two motions on opposite sides. I hope he will also love animals because animal protection is an important topic.

On the eve of this debate, editors of the RTHK programme "Legco Review" were quite concerned about whether I would speak on this motion today, and they have asked me repeatedly for an interview in the programme. While I thank them for the concern, I feel very much that on this occasion, silence does speak volume. By speaking less, it might draw even more attention than long and lengthy speeches.

President, I will feel happy for any Chinese who is awarded with an international prize because we are all Chinese, people of the same descent. I feel happy that they are recognized in the international community. However, I feel differently about the award of the Nobel Peace Prize to Mr LIU Xiaobo because I sense that political forces from foreign countries are meddling with the affairs of China. Instead of promoting the democratization process of China, the award merely makes things more complicated and adversarial. I trust that it is not something that most Chinese want to see.

China needs democracy and China needs the rule of law. This goes with the remarks made by Premier WEN Jiabao when he was interviewed by Fareed ZAKARIA of CNN during his visit to the United States in September. Specifically, he stated the four points of his political ideals as follows: "[T]o let everyone lead a happy life with dignity, to let everyone feel safe and secure, to let the society be one with equity and justice and to let everyone have confidence in the future."¹³ Moreover, he went as far as to say that, "I will not fall in spite of the strong wind and harsh rain, and I will not yield until the last day of my life." This is testimony to the determination of Premier WEN and the Central Government in pushing forward political reforms.

In the interview, Premier WEN also stressed that, "I believe freedom of speech is indispensable, for any country, a country in the course of development and a country that has become strong. Freedom of speech has been incorporated into the Chinese constitution. In China, there are about 400 million Internet users and 800 million mobile phone subscribers. They can access the Internet to express their views, including critical views. [W]e should not only let people have the freedom of speech, we more importantly must create conditions to let them criticize the work of the government. It is only when there is the supervision and critical oversight from the people that the government will be in a position to do an even better job, and employees of government departments will be the true public servants of the people."¹³

Hence, the freedom of speech of the Chinese people will be safeguarded as long as it is exercised in accordance with the Chinese constitution and the relevant requirements of the law.

When formulating the National 12th Five-Year Plan last month, the Fifth Plenum of the 17th Central Committee of the Communist Party of China pointed out in its Communique that when implementing the National 12th Five-Year Plan, political restructuring should be pushed forward proactively and steadily.

In the yesteryears, China has long been a weak nation suffering from horrendous acts of bullying and looting by imperialist countries. Through the bitter struggle, China has found the right path for herself. The indelible

¹³ Transcript of interview with Chinese Premier WEN Jiabao
(Mandatory credit: CNN's FAREED ZAKARIA GPS)
<<http://edition.cnn.com/TRANSCRIPTS/1010/03/fzgps.01.html>>

experience gained as a result has set China rightly in a path that is suitable to its condition and with Chinese characteristics.

It is an undeniable fact that during its reform and opening up in the past 30 years, China has been making continuous progress and development. I truly believe that China will achieve even more development and progress in the days to come.

With these remarks, President, I do not support the original motion nor its amendments.

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

MR LEE CHEUK-YAN (in Cantonese): President, I speak on behalf of the Hong Kong Confederation of Trade Unions to support the original motion on "Releasing LIU Xiaobo" and all its amendments. President, Mr LIU Xiaobo was one of the famous "Four Gentlemen on Hunger Strike" in 1989. Since then, he has been detained and found guilty on charges of counter-revolutionary propaganda and incitement from June 1989 to January 1991. In 1996, he was ordered to serve one year of re-education through labour for disturbing social order. In 2008, because of the Charter 08, he was detained and then sentenced to 11 years of imprisonment for "inciting subversion of state power" at more or less the same time last year.

President, I will now read out a passage from *I Have No Enemies: My Final Statement*, written by LIU Xiaobo before his imprisonment, or actually it was written on 23 December 2009 while he was detained before formal sentence. I think we can see why he was awarded the Nobel Peace Prize. He said, "I look forward to my country being a land of free expression, where all citizens' speeches are treated the same; here, different values, ideas, beliefs, political views both compete with each other and coexist peacefully; here, majority and minority opinions will be given equal guarantees, in particular, political views different from those in power will be fully respected and protected; here, all political views will be spread in the sunlight for the people to choose; all citizens will be able to express their political views without fear, and will never be politically persecuted for voicing dissent; I hope to be the last victim of China's endless literary inquisition, and that after this no one else will ever be jailed for

their speech. Freedom of expression is the basis of human rights, the source of humanity and the mother of truth. To block freedom of speech is to trample on human rights, to strangle humanity and to suppress the truth. I do not feel guilty for following my constitutional right to freedom of expression, for fulfilling my social responsibility as a Chinese citizen. Even if accused of it, I would have no complaints."¹⁴

President, just now I read out from LIU Xiaobo's *My Final Statement*, he was then sentenced to 11 years of imprisonment. When we first got news about LIU Xiaobo being awarded the Nobel Peace Prize, I was overjoyed and felt inspired because this is the first time a Chinese was awarded the Nobel Peace Prize. It shows that while the world acknowledges the economic achievements of China, its backward state as regards the respect for human rights and democracy has yet to converge with the world's universal values. Hence, the award of the Nobel Peace Prize to LIU Xiaobo is the world's affirmation for the struggle of the Chinese people for freedom and democracy.

While as Chinese, our immediate reaction on the award was the feeling of glory, the immediate reaction from the Chinese Foreign Ministry spokesman was to declare LIU Xiaobo a criminal, saying that what LIU Xiaobo had done was a violation on the spirit of the Nobel Peace Prize, a blasphemy to the Prize itself. I really feel ashamed as a Chinese on hearing what this spokesman said. How dare a spokesman of the Chinese Foreign Ministry, of the Chinese government come out and say LIU was a criminal? When the world was honouring the contribution made by LIU for advocating democracy, human rights and freedom in China, he came out and insisted that LIU was a criminal. What crime has he committed? When explaining its decision to award the Peace Prize to LIU Xiaobo, the Norwegian Nobel Committee said that the award "..... inadvertently illustrates why human rights are worth defending. Mr LIU's imprisonment is clear proof that China's criminal law is not in line with its Constitution. He was convicted of 'spreading rumors or slander or any other means to subvert the state power or overthrow the socialist system'. But in a world community based on universal human rights, it is not a government's task to stamp out opinions and rumors. Governments are obliged to ensure the right to free expression — even if the speaker advocates a different social system."¹⁵

¹⁴ <<http://chinadigitaltimes.net/2010/02/liu-xiaobo-i-have-no-enemies-my-final-statement/>>

¹⁵ Translation quoted from <<http://www.nytimes.com/2010/10/23/opinion/23Jagland.html>>

President, this is why the award was given to LIU Xiaobo. Indirectly, they are charging that the Chinese Communist regime has committed a crime itself by putting LIU behind bars because it has blocked the freedom of speech of the people. When I read this, the words from WEN Jiabao, as so passionately recited by TAM Yiu-ching just now, jumped right into my mind. What did WEN Jiabao say in the CNN interview? According to WEN Jiabao, the people's wishes for and needs for democracy and freedom are irresistible; it is the people and the strength of the people who determine the future of the country; freedom of speech is indispensable for any country; we should not only let people have the freedom of speech, we more importantly must create conditions to let them criticize the work of the government; corruption and inflation will have an adverse impact on China's stability; the wish of the people is not stoppable; those who go along with the trend will thrive and those who go against the trend will fail. As I recalled those words, this question jumped to my mind: Where had WEN Jiabao gone? What is the difference between WEN's words and LIU's advocacy, as epitomized in the Charter 08 which inadvertently leads to his award? Where has WEN Jiabao gone? WEN uttered those grand words overseas, but I want to know what has he done after going back home? Just as earlier, when TAM Yiu-chung spoke, he hid behind WEN Jiabao. What is the difference between WEN and him? He only talks sweet but cannot do right as he is going to vote against the motion later on. We all notice how TAM Yiu-chung sounds just now. Honestly, my feeling was that he sounded somewhat like an official of the Chinese Communist Party talking just now.

President, I think we must all speak from our conscience on this matter. Just now, some political parties While the Liberal Party and the Economic Synergy hide behind "one country, two systems" and TAM Yiu-chung behind WEN Jiabao, they toll the same line of allowing China to develop slowly. However, President, we think WEN Jiabao is now TAM Yiu-chung, your speech is nothing but hypocritical if you do not signify your stand on the matter of LIU Xiaobo. It is our hope that LIU Xiaobo be released! (*The buzzer sounded*)

PRESIDENT (in Cantonese): Mr LEE, speaking time is up. Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you may now speak on the two amendments. The speaking time limit is five minutes.

MR WONG YUK-MAN (in Cantonese): President, in this Chamber, each one has his own trumpet, playing different tunes. However, many a times when it comes to right and wrong on issues of cardinal importance, no one can just play his own tune. Hence, when it comes to Xiaobo's award, Paul CHAN also said he was both happy and worried. Of course, his "worry" is diametrically different from mine, but at least he is happy about the news, right? Indeed, there are many different kinds of people in this world. Some people, like Paul CHAN, know how to offer big help under the pretext of mild condemnation. Others just avoid the issues at all cost

PRESIDENT (in Cantonese): Mr WONG, you should now speak on the amendments.

MR WONG YUK-MAN (in Cantonese): President, I will now speak on the amendments. Some people would say that under the principle of "one country, two systems", well water should not intrude upon river water. But what if river water intrudes upon well water? Miriam LAU said she did not support this motion because we should not intervene with the Mainland judiciary. This has almost become a *cliche*, "Buddy". However, they would sometimes adopt a different standard, right? They would sometimes adopt a different standard and I think it is very strange. But having served in this Council for two years, I am getting used to it. Once I get used to it, I no longer feel angry.

I would like to thank my two party colleagues for their amendments to the motion. In his amendment, Mr LEUNG Kwok-hung requests the Communist Party of China (CPC) to end one-party dictatorship. This is where the crux of the problem lies. Today, democracy and human rights are suppressed in China because of one-party dictatorship. The CPC does not practise what it preaches. Earlier, some Members have quoted the words spoken by China's "Best Actor", WEN Jiaobo, and I took those in with sadness. When masterminding the revolution, SUN Yat-sen also said that, "The world trend is vast and mighty;

those who go with it will prosper and those who go against it will perish."¹⁶ (*in Putonghua*) There is nothing new about what WEN Jiaobo said. SUN Yat-sen was at least a revolutionary. Speaking of revolutions, some people even say to me, "You better go to the mountains and start a revolution." That was what Albert HO of the Democratic Party told us during the "five geographical constituencies referendum" campaign. It is not something just said by the pro-establishment camp. Start a revolution? No kidding, I really do not have the guts. This person who has not started any revolution was sentenced to 11 years of imprisonment for inciting subversion of state power, right? He was merely articulating his beliefs. If he did start a revolution, his whole family might have been "implicated" and it is not something unheard of with the CPC.

President, that is why one-party dictatorship is the crux of the matter. Some people say more time should be given to the Chinese Communist Party, but sorry, Paul CHAN, we have been doing so since 1945. In 1945, both the leaders of the CPC and the party newspaper had requested the Kuomintang to end one-party dictatorship, return the political power to the people and hold universal suffrage elections. The Kuomintang's reply then, the reply of the CPC today, and the words voiced out by certain people in this Chamber are all the same; and that is, the time has yet to come. Is it really so? My colleagues, it has been 65 years. One word is enough to sum up what WEN Jiabao and Hu Jintao have said presently: Lies. Was it not for those noble and upright persons who tread the path of righteousness and justice steadfastly without any consideration for personal safety, China could never change. That was what happened with the Kuomintang in those days.

Separately, the amendment from Albert CHAN is proposed on humanitarian ground. It is but a humble request to the Central Government of the People's Republic of China — a nation having tens of millions of party members and a People's Liberation Army with millions of soldiers, and is currently the second largest economy in the world — to leave this weak lady alone, stop harassing her and release her from house arrest. This is really just a humble request. It is certain that today's motion and its amendments will be vetoed and this is what I have expected. However, even though I have to go back to hospital after the voting later on, I must stand here to cast my vote. I

¹⁶ <<http://www.fas.org/news/china/2001/china-010219-taiwan.htm>>

must express my views about those Members who object this motion. As I said earlier when moving the original motion, there will be another motion later on about the protection of animals. It goes without saying that we should love our neighbours as ourselves. Some people say that we should put ourselves in their shoes and do some reverse thinking. "Brother Paul", Paul CHAN, why do you not put yourself in the shoes of LIU Xiaobo or his wife, and try to figure out what they are going through? If only you can figure it out. You have your wife and children, LIU has his wife and we all have our families, right? If we can put ourselves in other people's shoes, we should support this motion and all its amendments. *(The buzzer sounded)* Thank you, President.

PRESIDENT (in Cantonese): Mr Albert CHAN, you may now move your amendment.

MR ALBERT CHAN (in Cantonese): President, I move that Mr WONG Yuk-man's motion be amended.

Mr Albert CHAN moved the following amendment: (Translation)

"To delete "as" after "That," and substitute with "given that; and to add ", appeals to the Central Government not to harass LIU Xiaobo's family members through various means, and demands that the Central Government, while pursuing economic development, should also converge with the world as far as possible on social, cultural and human rights issues, etc., understand and accept the universal values which are widely and internationally recognized, including respect for human rights and protection of the freedom of speech, so as to expedite the progress of democratization in China" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert CHAN to Mr WONG Yuk-man'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 WONG Yuk-man rose to claim a division.

PRESIDENT (in Cantonese): Mr WONG Yuk-man 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 LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 23 were present, three were in favour of the amendment, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I move that Mr WONG Yuk-man's motion as amended by Mr Albert CHAN be further amended by my original amendment. I am just reading it out.

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

MR LEUNG KWOK-HUNG (in Cantonese): It is alright that you understand what I mean and you need say no more.

PRESIDENT (in Cantonese): You read out the previous page of the script. *(Laughter)* As Mr Albert CHAN's amendment has been negated, you should move your amendment.

MR LEUNG KWOK-HUNG (in Cantonese): President, I move my amendment.

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

"To add "; this Council also appeals to the Communist Party of China to put an end to one-party dictatorship, hold national elections by universal suffrage and return the political power to the people, so as to facilitate the democratic development of China" immediately before the full stop."

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

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHAN 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 LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you may now reply and you have 24 seconds.

MR WONG YUK-MAN (in Cantonese): President, for this motion today, we do not see those can they be called "dog officials"? No, no one is here, I do not see any official in this Chamber, their chairs are all empty, right? Let the world see "each one has his own trumpet, playing different tunes", double standards are applied.

Just now, some people say that there is freedom of expression in Hong Kong because you can say what you think about me and *vice versa*, and that this freedom of expression is very precious. Then why do the people in Mainland China cannot say (*The buzzer sounded*) something that is different from the stands of the government? It is simple

PRESIDENT (in Cantonese): Mr WONG, speaking time is up.

MR WONG YUK-MAN (in Cantonese): they do not have the freedom of expression but we have, right?

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for 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 LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the motion.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 23 were present, three were in favour of the motion, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the motion and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion: Formulating an animal-friendly policy.

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

I now call upon Mr CHAN Hak-kan to speak and move the motion.

FORMULATING AN ANIMAL-FRIENDLY POLICY

MR CHAN HAK-KAN (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

President, animal issues have all along been considered as issues of concern to a few people, and few organizations would step forward to make their appeals or express their dissatisfaction. However, as we have seen, within a short period of 10 months last year, members of the community organized three large-scale processions and assemblies on their own initiative, and over 800 people participated on each occasion; I also participated in two of these large-scale processions and assemblies. These three assemblies and processions pinpointed the Government's lack of a comprehensive animal-friendly policy. Though the Policy Address this year has proposed identifying suitable sites for new pet parks and enhancing adoption services for stray cats and dogs, the sections in the Policy Address on animal rights have not responded to the community's appeal for formulating an "animal-friendly policy". Therefore, the Government has just pinpointed the request of a small number of people, and it has not addressed the core issue of animal rights.

For this reason, in proposing this motion debate today, I have brought with me two large display boards. We all know that not many places in Hong Kong allow the entry of animals, but many people who are concerned about this matter also want their pets to participate in this debate. As they have forwarded the photographs of their pets to me, these display boards have been produced to allow these pets to participate in our debate today.

President, I had two meetings with more than 10 animal protection organizations earlier on, and we unanimously agreed that an animal-friendly

policy should be formulated. I have summed up the views of various organizations and worked out a proposal on an animal-friendly policy on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong. This proposal was submitted to the Deputy Director of Agriculture, Fisheries and Conservation two days ago. We hope that the Government would make reference to this proposal when it formulates an animal-friendly policy. President, the animal-friendly policy in my mind has three essential objectives: (a) the rights of survival of animals must be taken seriously; (b) a safe living environment for animals must be provided; (c) there must be more room for integration between people and animals. These three objectives are the starting points of the motion I moved today.

President, I would like to discuss law enforcement first. Among the existing laws, the Prevention of Cruelty to Animals Ordinance is most directly connected with the protection of animal rights. In 2006, the Government proposed some amendments and increased the penalty. But, as we have observed, the cases of animal abuse in recent years have increased rather than decreased, and the methods adopted have been increasingly cruel and savage, including feeding them with poisonous baits, chopping off their limbs, crushing their pelvic bones, breaking their skulls, burying them in cement, and sewing up their limbs. President, all these sound like horror movies, and I will tremble with fear when I think of what happened to these animals.

How come the existing laws cannot stop the occurrence of animal abuse cases? Why can the ruffians ignore these laws? I think that the most important reason is that our investigation and law-enforcement actions are not forceful enough and the penalty is too light. Therefore, I have always advocated setting up a "dedicated hotline for reporting animal cruelty" and establishing "animal police" teams, with a view to enhancing law enforcement. President, though we call them "animal police" teams, it is open to question whether the police should be in charge of these specially tasked teams. As we have observed, in some European and American countries, other government departments or animal organizations are responsible for law-enforcement work of the "animal police" teams. On the contrary, if the Agriculture, Fisheries and Conservation Department (AFCD) in Hong Kong is responsible for law enforcement, it will not have adequate manpower and resources. So, I still hope that "animal police" teams can be specially tasked teams within the police. Initially, we may have fewer team members, but the policemen in these teams should receive the

relevant training, have an understanding of and be alert to the handling of animal cases. These teams can co-ordinate with animal rights organizations to investigate all cases of animal abuse.

President, not only should the police take these animal abuse cases more seriously, the Judiciary and the courts should do the same. We have noticed that the penalties imposed on some animal abuse cases in the past were too light. Let me give an example. A man had filed down the sharp edges all the teeth of a cat. What was the penalty imposed? He was sentenced to 150 hours of community service. In another case, a person threw a cat from a height onto the street, and he was sentenced to a few weeks' imprisonment, which was substantially lower than the maximum punishment of a fine of \$200,000 and three years' imprisonment under the Prevention of Cruelty to Animals Ordinance. Some people have even jokingly told us that a person may be sentenced to three years' imprisonment and a fine of \$200,000 if he has killed a panda, and he absolutely will not be sentenced to this punishment if he has killed a domestic cat. Therefore, I hope the Department of Justice would review the cases in which the sentencing concerned failed to meet the community's expectation under the existing mechanisms and arrange for the issuance of sentencing guidelines by higher-level courts. The law-enforcement agencies should also file appeals on a case-by-case basis.

President, on handling some extremely ruthless acts of animal abuse, such as cases of serial killing of a number of animals, it is essential for us to consider creating an offence against ruthless animal abuse with heavier penalty to enhance the deterrent effect. Moreover, as we have noticed, according to quite a few overseas studies, the acts of animal abuse are connected with other cases of violence, and pose threats to the community. For this reason, apart from severe punishment, these abusers should receive compulsory psychological counselling and attend animal protection courses. This is the way to effect a permanent cure and help these people.

President, the serious offences that I have just mentioned are only a small minority of cases, there are more cases in which owners or pet shops fail to take proper care of animals. For example, when we go to Fa Yuen Street, we may see eight to 10 puppies kept in a very small cage or 20 to 30 tortoises kept in a very small container. These animals do not have sufficient activity space or they have not been fed for days in a row. These acts may not be considered as cruelty to animals according to the present definition because these acts are not

included under the Prevention of Cruelty to Animals Ordinance. There is a general international trend that the premise of the legislation is to prevent the occurrence of abusive acts. In future, if amendments are made to the relevant legislation in Hong Kong, I suggest that this viewpoint must be taken into consideration. President, I also understand that some animals are sometimes not being well taken care of because their owners are inexperienced or negligent. If the situation is not serious, we suggest adopting the system of "notices of enhanced care". Putting it simply, a warning letter may be issued to remind pet owners not to neglect the basic rights of survival of their pets, and to treat them better.

President, during my exchanges with animal rights organizations, we have reached a mainstream consensus, that is, we request the Government to implement the "Trap-Neuter-Return" (TNR) programme. President, we think the TNR programme has some merits. Its objective is to reduce the number of stray animals, and we think that it is more humanitarian than the AFCD's euthanizing them. According to volunteers of some animal organizations, when the TNR programme was implemented in one of the communities in Tai Po District, the number of stray cats decreased from 150 to 80 within two years. Hence, this programme is obviously effective. Nonetheless, when we reflect this number to the AFCD, they have a different opinion.

According to our understanding, the AFCD has repeatedly remarked that the TNR programme is unsuccessful, and it is even a failure according to the experience of foreign countries. The AFCD has also stated that, if the trial implementation of the TNR programme is carried out on cats in Hong Kong, there will be an increase in the number of complaints against stray cats. President, I find it very strange that, since the TNR programme has been implemented by the Society for the Prevention of Cruelty to Animals (SPCA) for nearly 10 years, why the government departments do not obtain specific figures from the relevant organizations instead of making reference to the experience of overseas countries on every occasion, and using this as a shield to substantiate that the TNR programme does not work in Hong Kong.

President, I also want to say that the increase in the number of stray animals may not necessarily be related to the failure of the TNR programme. A more important reason is abandonment, leading to an increase in the number of stray dogs and cats. I have also found some successful examples about the

Government's implementation of the TNR programme. President, we should not forget the astonishing number of monkeys at the "monkey mountain"; these monkeys frequently disturb people. Nevertheless, the TNR programme implemented by the AFCD on monkeys at the "monkey mountain" has been very effective. According to the Government's figures, the number of monkeys in question will be reduced by one fourth by 2013. I would also like to ask the Secretary, why the TNR programme has very effective results when applied to monkeys but is ineffective if applied to stray dogs and cats?

President, I understand that the AFCD will meet with opposition by some people in the districts when the TNR programme is implemented, but I also know that presently, nine District Councils basically support the implementation of the programme. Now that a consensus has been reached in the districts, I hope the AFCD will procrastinate no more, and it will no longer use the examples in other foreign countries as a shield. It should implement this programme as quickly as possible and determine whether it should be extended to the whole territory depending on its effectiveness. Of course, it is more important to target the source; the Government should step up publicity and stop people from abandoning animals, so as to reduce the number of stray animals.

President, last but not least, I would like to talk about the work of the AFCD. On tackling stray animals, the AFCD is undoubtedly under immense pressure in respect of workload and resources, but the way in which the AFCD deals with the issue has also raised public denunciation. I have just said that the AFCD frequently euthanizes stray animals, which in reality means killing them. Many people call the AFCD when they see some stray cats and dogs, thinking that these animals will be given special care when the AFCD has been notified. They are not aware that this is not the case. Upon receiving these calls, the AFCD sends dog-catching teams to catch these stray dogs and cats, and they will be euthanized after a certain period of time.

According to the information provided by the Government in reply to my question last year, the AFCD has euthanized over 10 000 stray animals each year, which accounted for over 70% of the animals they received. In the first half of this year, the AFCD has received 6 770 stray animals, and more than 80% of them were eventually euthanized; the number is unacceptably high. Furthermore, in view of the way stray animals are caught, the lack of transparency of the animal management centres and the unhygienic environment

of these centres, people have doubts about the professionalism of the AFCD as well as the lack of compassion of its staff.

President, with regard to all these problems, I think the AFCD should have a new mindset and reforms should be implemented. The specific suggestions include expanding the co-operation with animal organizations, transferring more animals to these organizations for adoption, enhancing the training of front-line employees, subsidizing animal neutering, as well as increasing transparency by allowing Members and animal welfare organizations to conduct regular inspections of the animal management centres.

With these remarks, President, I move the motion.

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

"That the keeping of pets among Hong Kong people has become increasingly common, and there is also a growing concern about the rights of animals; however, the animal welfare policy in Hong Kong lags far behind the standards of other developed places in the world, and cases of animal cruelty keep occurring; tens of thousands of animals are euthanized every year, and there is still insufficient activity space for the integration of human beings and animals within the communities; in this connection, this Council urges the Government to formulate an "animal-friendly policy" to ensure that the rights of animals can be safeguarded; the relevant policy measures should include:

- (a) by making reference to the present animal protection legislation in developed places, to review and amend the existing Prevention of Cruelty to Animals Ordinance for the purpose of catching up with international standards, and to classify the intentional abandonment of animals as animal cruelty, as well as to explore the provision of compulsory psychological counselling and courses on animal protection to convicted persons;
- (b) to establish "animal police" teams specially tasked to investigate cases of animal cruelty and abandonment, enhance the training of frontline enforcement officers on handling cases of animal cruelty and their awareness of such cases, and set up a "dedicated hotline

for reporting animal cruelty", with a view to curbing the situation of animal cruelty and abandonment from becoming prevalent;

- (c) to request the Department of Justice to pay close attention to the sentencing for cases of animal cruelty, and where sentencing for the cases concerned cannot fully reflect their seriousness, to seek sentencing guidelines by applying for reviews of sentences to the relevant courts, so as to truly reflect the social concern about offences of animal cruelty;
- (d) to improve the existing management mechanism for the sale and registration of animals, including reviewing the licensing and regulatory mechanism for the sale and breeding of pets and stepping up the monitoring of the sources of animals, so as to combat problems such as unlicensed animal breeding and illicit animal import;
- (e) to improve the hygiene conditions in the animal management centres under the Agriculture, Fisheries and Conservation Department and enhance the transparency of stray animal management by allowing Members and animal rights organizations to conduct regular inspections, increase the number of qualified animal adoption organizations and expand the scope of animals for adoption to reptiles and amphibians, so as to facilitate the adoption of animals by a greater number of people and organizations;
- (f) to co-operate with District Councils and animal rights organizations to fully implement the "Trap-Neuter-Return" programme, and use humane means to deal with the problem of stray cats and dogs;
- (g) to provide subsidy to the public for neutering their pets, and train more veterinary health care personnel to meet the social demand for the services concerned;
- (h) to introduce appropriate measures, including identifying sites for constructing more parks for pets, and exploring the opening of various recreational venues such as parks and beaches partially or at

specific time slots, so that members of the public can bring in their pets;

- (i) to actively identify suitable locations for the provision of public toilets for dogs, increase the number of dog excreta collection bins on street side and step up the frequency of cleaning and washing, with a view to improving environmental hygiene;
- (j) to explore the regulation of hospice service for animals through licensing;
- (k) to step up publicity and education for the public on animal care and responsible pet ownership, and set up an 'animal protection fund', so that organizations can make applications for organizing more animal welfare activities; and
- (l) to enhance people's understanding of endangered animals and relevant regulatory systems, and require that animal traders must provide appropriate labels for identifying endangered species, as well as to provide buyers with points to note on keeping endangered species, with a view to strengthening the management of endangered animals."

PRESIDENT (in Cantonese): Mr CHAN, as you have already finished speaking, please put down the display boards behind you because I cannot see the Members sitting behind you.

(Mr CHAN Hak-kan put down the display boards behind him)

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

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

I will call upon Ms Miriam LAU to speak first, to be followed by Mr Fred LI, Mr WONG Kwok-hing, Dr PAN Pey-chyou, Mr Alan LEONG and Ms Cyd HO respectively; but no amendments are to be moved at this stage.

MS MIRIAM LAU (in Cantonese): President, when I read the newspaper last week, I saw a touching story about a two-year-old clown fish at the Ocean Park with a tumour in its right eye. Luckily, the veterinary surgeon at the Park took utmost care of the clown fish and operated on it using a "magic weapon" he had invented. Whether the clown fish can eventually recover will depend upon whether the tumour is benign or malignant. When compared to the fate of tens of thousands of animals abandoned by their owners, pending euthanasia, or even being abused, the clown fish is already very lucky and blessed. In order to urge the Government to improve animal welfare and policies, the Liberal Party will definitely support the motion today and we will elaborate further on our position through our amendment.

To improve the animal welfare policies, the Government must have a new mindset. The law is the basis of government policies and measures. So, the first step is to review afresh the existing Prevention of Cruelty to Animals Ordinance (the Ordinance).

In July this year, the Law Faculty of the University of Hong Kong and the Society for the Prevention of Cruelty to Animals (SPCA) published a research paper, stating that our existing law for the prevention of animal abuse was lagging seriously behind the United Kingdom, the United States, and even Singapore and Taiwan, and the law basically failed to effectively protect the rights of animals.

In fact, we only need to compare Hong Kong to the neighbouring Taiwan and we will understand that this law, enacted in 1935, is lagging far behind the times. In Taiwan, the authorities concerned have enacted the Animal Protection Law for the protection of animals. It is stated in Article 1 in Chapter 1 that the law is enacted because of the respect for the lives of animals and for the protection of animals. Chapter II specifically sets out the general responsibilities of animal owners, including the provision of suitable food, water and ample activity space; owners should pay attention to the safety, shelter, ventilation, lighting, temperature and cleanliness of the living environment of animals; and owners should take proper care of their pets and should not abandon them at will.

In comparison, the Ordinance remains at the primitive stage of prohibiting and punishing cruelty to animals. The Government is acting passively and it will only intervene when animals are beaten, kicked, ill-treated, tortured, infuriated or terrified. The Ordinance has still not moved further into the area of good treatment of animals, not to mention animal welfare. Therefore, the Government should really consider making reference to the practices in developed places overseas, so as to upgrade our laws to international standards and allow animals to receive loving care.

Besides lagging behind in laws, the Government is also lagging behind in monitoring pet trading and regulating pet food. Concerning pet trading, though the law provides that all pet shops shall be licensed and monitored, online selling sale of pets by hobby breeders and on personal capacity is not subject to monitoring.

Since pet trading in pet shops should be monitored, we cannot find any reasons why online selling of pets can be excluded from monitoring. Thus, we have proposed an amendment in the hope that the Government can pay attention to the trend of online selling of pets and think of ways to plug the monitoring loopholes in this area, so as to safeguard the interests of buyers and prevent lawless persons from selling pets of unknown origin.

As regards pet food, at present there is no monitoring with regard to the quality of pet food, the labelling information as well as the ingredient contents. The Consumer Council and the media have received a lot of complaints, and this shows how serious the problems are. For example, there are cases of overdue feed, counterfeit dog food, wormy cat food, "beef flavour" dog food sold as beef dog food, and even a whole bag of moldy dog food that is not yet overdue. In a word, things are just at a mess.

Pet food is strictly monitored in Europe and the United States. Taking the United States as an example, the Food and Drug Administration, responsible for monitoring food and drugs for human beings, is concurrently responsible for monitoring the safety and relevant labels of pet food, while the Association of American Feed Control Officials sets standards for the naming of pet food on the basis of the proportion of the ingredients. Therefore, we have proposed an amendment to urge the Government to examine the setting up of a mechanism for monitoring the quality and labelling of food products for pets, so as to safeguard the health of pets and the consumer rights of pet owners.

President, the Government should originally be the guardian of animal welfare, but it euthanized 15 000 cats and dogs in each of the past three years, which accounted for 88% of the number caught and received. This is really an irony and an act against animal welfare. In comparison, overseas places control stray dogs and cats through the "Trap-Neuter-Return" (TNR) programme, which is a humanitarian approach that is more desirable. I hope the Government would expeditiously launch the relevant pilot programme and stop killing as quickly as possible. Nevertheless, the Liberal Party must remind the Government, in catching stray dogs and cats, it has to bear in mind the lesson learnt in catching stray dogs in Tin Shui Wai earlier on. Do not again invite criticisms for using excessively cruel dog-catching methods, as it will then be criticized as engaging in acts of violence. I hope the Government would draw on the experience and take precaution in this area.

Although the TNR programme treats stray cats and dogs in a more humanitarian manner, we have to adopt a multi-faceted approach in order to effect a permanent cure; we must resort to legislation, education and administrative measures, and improve the adoption system so as to prevent the abandonment of animals. According to the Liberal Party, one of the directions that can be taken into account is to consider extending to cats the present microchipping and licensing schemes for dogs, so as to ensure that owners would shoulder responsibilities for their cats and irresponsible owners will be prosecuted when required, thereby reducing the abandonment of cats. At present, cats adopted from the SPCA already have microchips implanted and I believe that the extensive implementation of microchipping will not have any technical difficulties, so I hope that the Government can proactively consider this proposal.

President, the Liberal Party believes that most people who keep pets love animals and care about them. In particular, when pets are ill, their owners will make their best efforts to take care of them, just like what the Ocean Park did. However, how can ordinary owners be compared to the Ocean Park? The veterinary surgeons in Hong Kong charge high fees, and an ordinary out-patient visit may very often cost \$300 to \$500, probably double the cost for consulting a private doctor by the owner. If a pet needs to undergo an operation to remove a tumour just as the clown fish did, I am afraid only a handful of owners can afford.

Nonetheless, when owners cannot afford or are not willing to bear the medical expenses of their pets, the welfare and even the lives of the pets may be

sacrificed. Owners who love animals have no alternative though they find it painful and unbearable. Hence, for the sake of animal welfare, we suggest that the Government should set up publicly-funded animal hospitals or clinics, and through subsidized voluntary organizations, to provide pet owners with affordable basic pet treatment services.

Lastly, the Liberal Party agrees to the amendments proposed by most Honourable colleagues today. In particular, we think that the Government should, apart from caring the endangered wild animals given by the State to Hong Kong as presents, such as big pandas and Chinese sturgeons, it should also show concern for the endangered animals in Hong Kong. Thus, the Liberal Party supports the relevant amendments proposed by Members. We understand that Mr Alan LEONG's suggestion of allowing animal owners to board public transport with their animals is made with good intention, but as buses and railways in Hong Kong as often packed with a large number of passengers in a limited space, how can animals, which may be big in size, get into the already crowded compartments? This really deserves careful consideration. If we really allow animals to take public transport, is this appropriate? This will certainly have some impacts on passengers, thus we cannot support this proposal right away without due consideration, and we should consider this carefully.

President, I so submit.

MR FRED LI (in Cantonese): President, this is the second time this legislature debated the issue on animal rights. Mr Albert HO proposed a motion two years ago and the requests raised in that motion are once again raised in this motion debate, which reflects that the Government has been too slow and has done too little in improving the rights of animals in these few years. I would also like to thank Mr CHAN Hak-kan for moving this motion.

I have consulted many animal organizations before proposing an amendment, and some friends from the Society for the Prevention of Cruelty to Animals (SPCA) have expressed their views on all the amendments in great detail. I would also like to express my thanks here.

President, the Democratic Party has maintained contacts with animal organizations and front-line volunteers in recent years, and we found that the

animal policy is somewhat rigid in certain aspects. Furthermore, in implementing the policy, animals are unfairly treated, and we even suspect that the Government is hostile towards certain animal organizations.

The front-line volunteers work day and night to rescue stray animals and they have put in great efforts. After stray cats and dogs have been caught by the Agriculture, Fisheries and Conservation Department (AFCD), the volunteers can only try their best to rescue as many as possible. Certainly, there are a few lucky cases in which the volunteers pleaded with the AFCD through Members' offices for the release of the animals or the animals are taken away by approved animal organizations so that they can escape from the gate of death. Yet, only a few animals have been rescued. In our views, euthanizing these stray cats and dogs is in no way humanitarian. Though we start to notice a decrease in the relevant numbers, we hope the Secretary can make greater efforts.

The Democratic Party and I think that we must start from the source in order to effectively reduce the number of stray animals. However, we know that Mr Albert HO will talk about the practice in Taiwan later. They have basically prohibited euthanizing stray cats and dogs. The Government has often cited a study in the United States to indicate that the "Trap-Neuter-Return" programme to deal with dogs is ineffective. As the Government has all along referred to one foreign study only, I think that it has taken a part for the whole. Also, it has acted irresponsibly as it has slowed down the speed of the implementation of the programme for this reason.

A similar programme to deal with cats is known as the Cat Colony Care Programme. The SPCA has been promoting this programme in the past decade. As shown in this local programme, the number of cat colonies in a certain place being studied has decreased from 107 stray cats in 2002 to only 18 cats last year. Since those stray cats have been neutered, it is not necessary to slaughter them and moderate methods can be adopted. Given time, the effectiveness of the programme will become more evident. If we continue to euthanize stray animals, I believe the situation today will not occur.

The Government always believes that it is necessary to make reference to the views of multinational organizations overseas or other organizations, but it has not made reference to such views in handling stray animals. Let me give an example: the World Health Organization (WHO) is concerned about the rabies

problem, which is caused by an excessive number of dogs. However, according to the WHO, killing dogs cannot effectively control the number of dogs. On the contrary, the most effective method is controlling the trading of dogs and neutering. For this reason, the Democratic Party urges the Government to expeditiously discuss anew with District Councils a "Trap-Neuter-Return" programme to deal with dogs. During the last term, nine District Councils agreed to implement the programme on a trial basis, but the Government has failed to implement the programme because of the technical problem in identifying the owners of stray dogs. Even though nine District Councils have indicated support, no progress has been made in respect of the programme, and no attempts have been made; thus the implementation has all along been deferred. Actually, this programme can most effectively reduce the number of stray animals, and we consider this method worth trying. We hope that the Government would identify some District Councils that would act as pioneers for the trial implementation of this programme.

The Policy Address proposes enhancing the adoption services for stray cats and dogs, and the Democratic Party certainly supports this proposal, but we also hope that apart from the approved organizations, individuals can apply for the adoption of abandoned animals. At present, if members of the public want to adopt these animals, they have to directly approach the SPCA or other animal adoption organizations. If they want to adopt animals caught by the AFCD, they must do so through some approved animal organizations. This administrative measure provides convenience to the Government but creates trouble for the public. If eligible people can adopt animals from the AFCD, it is less likely that these animals would be killed. For this reason, we have proposed an amendment in this request.

In the budget each year, the AFCD subsidizes the SPCA so that it will have enough operating resources for its operation, but there are more than one approved animal organizations in Hong Kong, and they have done a lot to keep stray animals. They are in a more difficult condition than the SPCA. In Germany, all philanthropic animal shelters are subsidized by the Government and there are other coupling policies. Thus, the German Government does not need to spend any money on euthanasia. We do not see any stray dogs in Germany because the multi-faceted measures adopted can effectively reduce the number of dogs at source, and the Government has never relied on the most ruthless method of euthanasia.

While animal trading is conducted in an extremely cautious manner in foreign countries, the pet shops in Hong Kong provide comprehensive "through-train" services to consumers, including animal trading and the sale of relevant products such as dog food. Nonetheless, the pet shops in foreign countries only sell pet food and care products. A person who wants to buy a pet can adopt a pet or buy one from a breeding farm which operates with professional breeding knowledge; one cannot just buy a pet anywhere. The breeding farms are strictly supervised, and an upper limit is set as to the number of dogs that each female dog can give birth to throughout its life. The number of each type of dogs allowed to be bred each year is also specified.

To operate a pet shop in Hong Kong, an animal trader must obtain a licence from the AFCD. However, the Government still does not have any policy about regulating the animal breeding business and taking it forward to professionalism. For this reason, pet shops and persons interested in animal breeding often engage arbitrarily in the breeding of profitable animals. As a result, the breeding rate of animals has been too high. Since trial breeding is often required, animals which are not good looking will be abandoned by the breeders. The Democratic Party has proposed an amendment, and we hope that a licensing system for professional breeders will be established to effectively control the number of animals bred and reared, so that they will not be arbitrarily abandoned by consumers, pet shops and unscrupulous breeders.

Lastly, I am going to express our views on the original motion and various amendments. Concerning Dr PAN Pey-chyou's amendment, we think that the "Trap-Neuter-Return" programme is feasible and we need not study this issue. This point is not mentioned in Mr WONG Kwok-hing's amendment, and we do not have any views on his amendment. We have some reservations about this point made by Dr PAN. If Mr WONG Kwok-hing's amendment is passed, the point on "study" made by Dr PAN will be invalid, and we will support it because we find this point very important. The Democratic Party supports all other amendments. I so submit.

MR WONG KWOK-HING (in Cantonese): President, I am thankful to Mr CHAN Hak-kan for moving this motion about an animal-friendly policy today, and my amendment is intended to further improve and supplement his original motion.

President, there are two main points in my amendment: first, to express concern about endangered wild animals in Hong Kong; and to plead on behalf of cows.

Regarding the first part, as stated very clearly in my amendment, I call upon the Government and the community to care and express concern about endangered wild animals in Hong Kong, and I hope that the Government would sum up and learn from the experiences in overseas developed places, and consider how to rescue, conserve and protect endangered wild animals in Hong Kong. On this point, I earnestly hope that the Government would show concern and would not allow developers to construct luxury flats on sites with ecological values so as to reap profits from property development, as this will wipe out endangered wild animals and even cause their extinction. This is the principal point that I would like to make.

I would also like to appeal for stray cows, and I am going to spend most of my speaking time today on this issue. President, in July 2006, Secretary Dr York CHOW replied to an oral question raised by a Member of this Council. At that time, the Secretary cited the statistics of the Agriculture, Fisheries and Conservation Department (AFCD) in 2005 which estimated that there were slightly more than 1 100 stray cows in the New Territories. Since an ox and a cow will breed once a year, I believe there should be a much larger number at present. I wonder if the Secretary can tell us today the current number of stray cows in the New Territories. The situation today is disastrous as there are more than 1 000 stray cows in the New Territories, especially on Lantau Island.

The villagers and residents on Lantau Island, and Mr Rainbow WONG of the Islands District Council have told me that more than 200 oxen are active in Tong Fuk, Shui Hau and Pui O, and more than 100 buffalos are swimming together with human beings at Chi Ma Wan in Pui O. Some people told me that they suddenly see some black clusters before their eyes when they are swimming, and they are not sure what they are. As it turns out, they are buffalos. In that case, can the Secretary tell us what the Government has done? Can he give us an answer later? Since the Secretary has answered our question in 2006, what has the Government done in these few years? President, I am very grateful to those bus drivers and members for they have taken photographs about road safety on Lantau Island. President, as you can see, this cow is sleeping on the road, and it looks so carefree and content. Roads on Lantau Island are rather rugged

with a lot of curves, but cows like sleeping at these curves most. When vehicles are passing by, the drivers basically cannot see the black clusters ahead, so traffic accidents will easily occur.

Many traffic accidents have already taken place. President, please take a look at this photograph. A herd of cows, young and old, are walking on the carriageway. Would the Secretary please take a look at this photograph? Thank you. The numerous numbers of cows has caused a chaotic situation. As you have noticed, some kind drivers will stop and wait until all the cows have passed by and then continue driving. There are herds of cows at the side of buses, and drivers of buses on Lantau Island have asked me to reflect the situation to the Secretary as soon as possible. Do we have to wait until some fatal accidents or major accidents have occurred before the Government would think of solutions? President, I have personally handled a case in which a resident of Lantau Island was injured after a cow bumped into him. Two years ago, he was having a walk with his wife and two daughters at Pui O Beach after a meal when a buffalo suddenly dashed towards them. To save his children, he took them into his arms to keep away from the buffalo. Who would have thought that his back and arms were injured after the buffalo bumped into him? Though he luckily survived, he was hospitalized for a year and underwent seven surgeries. At present, there are cows dashing madly around Lantau Island, and they are scrambling with people for use of the roads, creating very serious problems. Does the Government have to wait until there are casualties and injuries to take action? Will it not take action if there are no fatal cases? I really want to ask the Government these questions.

Furthermore, President, quite a number of plants that the Leisure and Cultural Services Department (LCSD) has planted at roadside on Lantau Island and even the plants in the LCSD parks planted for the sake of environmental improvement have also been eaten by cows. All the crops of villagers have also been eaten by cows. When these cows cannot find anything to eat, they are smart enough to look for food from litter containers at barbecue sites. President, what have these cows started eating? They eat chicken wings, chicken leg bones and steaks left behind by travellers. Has the Government ever thought that these cows will have such modes of life? As it turns out, cows really like to eat the watermelon skins left behind by travellers and some have described watermelon skins as shark fin soup for cows. Though you can see that the Highway Department and the LCSD have planted a lot of plants at roadside, they have also

been eaten by stray cows. Besides, the beautiful flowers planted at roadside have become food for cows. In another photograph, a herd of cows are treading on a farmland and the villager standing by the side can only heave a sigh when he sees what these cows are doing. Secretary, if we still fail to do something about these cows, the cows will have a hard time, and people affected will be more miserable.

President, even though the Islands District Council has urged the Government to tackle the problem of cows and Members have made a lot of suggestions, the Government has not done anything within a decade. Members have asked the Government to neuter cows, but what has it done? Two years ago, we assisted the person injured after a cow bumped into him in taking up the matter with the AFCD; as a result, the AFCD only carried out neuter operation on one cow last year. What has been done this year? Nothing at all. We kept asking the Secretary and the Government for answers after that. When the Secretary answered a question in this Council in 2006, he said that cows did not have conservation values and thus nothing had been done. How can this be the case? How can the Government be indifferent to the disastrous breeding of cows on Lantau Island and the New Territories? Even if some volunteers with the best intentions and organizations will adopt these cows We all know the lady, Yeung Yeung, who picks up vegetable leaves from the market and collects unsold buns and the skins of bread loaves from bakeries to feed the cows. Nonetheless, she is not given any government subsidies or support, and she can only persevere on her own. How can the Government be so hardhearted?

The Islands District Council, District Council members and Rural Committees urge the Government to look for a place for cows to live in where green, ecological tourism can also be developed. Yet, the Government has not taken this into consideration. They have also suggested Tai A Chau, has the Government ever considered the site? I hope the Secretary can tell us when he responds later what the Government has done within four years or so. How many cows have been neutered? How many resources have been used in the caring of cows? Has it conducted a statistical survey on how many flowers, plants and crops have been ruined and eaten by cows? The Government has still not taken seriously the impacts of stray cows on traffic and people's safety. What long-term plans does the Government have for solving the problem of the harmonious integration of people and cows? Will the Government consider designating a site for the development of green, ecological tourism so that cows

can be taken good care of and be able to live their full span while people can get pleasure? I hope the Secretary would answer all my questions in a while. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, just like many people in Hong Kong, I really love animals. This is my good friend McDull, a locally produced "piglet". He stays in my car and accompanies me everywhere day after day. As regards genuine animals, my family has two Chinese dogs that I picked up, and we also have two tortoises and a few fishes. I have had a keen interest in keeping pets for dozens of years, and I passionately love animals. So, I am delighted today that Mr CHAN Hak-kan has proposed this motion debate.

I will mainly focus on three areas today. First, wild animals in Hong Kong. Mr WONG Kwok-hing has just referred to some rare and precious wild animals, but what I am going to talk about may not be so rare and precious. I am going to talk about some cousins of McDull. I also want to talk about some infectious diseases of animals. These infectious diseases will endanger the safety and living of animals and human beings, and I am going to make this point in a short while. Finally, I would briefly discuss the "Trap-Neuter-Return" (TNR) programme just mentioned by Mr CHAN Hak-kan.

First of all, Hong Kong, the place where all of us are living in, is a magical place. With an area of 1 100 sq km, Hong Kong is one of the most crowded place in the world and it ranks fourth in the world in terms of population density. Hong Kong is magical in that three-fourth of our land is in the open countryside. Thus, from an environmental protection perspective, Hong Kong people are doing quite well. Owing to the continuous increase in our population, more and more residential flats have been constructed in recent years, so there are fewer rural land and villages, and more and more rural sites have been developed. In the past, with fewer habitation places, the number of wild animals would definitely decrease. However, in recent years, people have become increasingly conscious about conservation and they have become more aware in caring for wild animals. Coupled with the Government's efforts, the survival rate of wild animals has substantially increased. Hong Kong people have consciously refrained from harming wild animals and some of them have even violated the law to feed wild animals; therefore, the number of wild animals has gradually increased, and the problem of wild animals contending against human beings for room for survival

has become more serious. For this reason, we have frequently heard of wild animals forcing their way into villages, residence and even densely populated multi-storey buildings and housing estates these days. Quite a number of people are harmed by wild animals, and very often, wild animals get hurt or even die because they are unfamiliar with the environment in a human society. Hence, I find it necessary to enhance the relevant policies on protection of wild animals, so that wild animals and human beings can live harmoniously together. While wild animals can live and breed in a well-protected, peaceful and tranquil environment, human beings can also lead a peaceful life.

However, in Hong Kong we only have the Wild Animals Protection Ordinance, enacted in 1976, for the protection of wild animals and their habitat. With urbanization and modernization of our society, should the Government and the relevant departments review if the provisions of this Ordinance have been outdated in the present situation? I would like to discuss this situation in relation to two types of wild animals.

The first type of wild animal is monkeys. A few days ago, Mr WONG Kwok-hing brought here a monkey; it was not from Hong Kong but from Gibraltar. Actually, there are many local monkeys and all of them have tails; there are approximately 2 100 monkeys at present. Actually, these 2 000-odd monkeys can hardly survive in Hong Kong. Nevertheless, many people are really kindhearted and they feed these monkeys at their habitat, giving rise to a lot of problems. In the past 50 years, wild monkeys have bred very quickly in Hong Kong, and the yearly breeding rate has increased from around 6% to 10%. Given abundant nutrition and food sources (as Mr WONG Kwok-hing has just mentioned, they eat rubbish that people throw away or they are fed by people), and that plants that monkeys like to eat were planted in early days, the number of monkeys has constantly increased. Moreover, as these monkeys are always fed by people, they are not afraid of human beings, and some of them even lose temper when they do not have food. Thus, they become offensive and threaten the safety of visitors; these monkeys even snatch things from visitors and on a few occasions, the monkeys even pulled people's hair to snatch food and some people were injured.

Nonetheless, the Government's measures come too late and slow, they are also inconsistent and passive. In 1992, the Government planted some plants around the Kam Shan Country Park as food for monkeys. When it later found

that the number of monkeys had become too many, it started trapping them and conducted contraceptive/neutering treatment on them, the results were really unsatisfactory. In 2003, the Government co-operated with the Hong Kong Productivity Council in making a huge monkey cage, and it trapped a large number of monkeys for neutering and contraceptive injections. This was quite an effective method, and the number of monkeys fell by 5% within two years. If this trend continues, it is projected that the number of monkeys will be reduced by 25% to only 1 600 by 2013. There will then be a new problem, that is, an ageing monkey population. The Government has recently come up with a new idea, which is neutering monkeys through minimal invasive surgeries. The Government's measures are constantly changing and no clear policies have been implemented; it seems that the Government is just taking stopgap measures. What actually does the Government intend to do?

As compared with monkeys, wild boars are more dangerous. Wild boars are omnivorous animals that like to haunt places at night. Male wild boars, weighing as much as 250 kg and having long and sharp protruding teeth, are very dangerous. Besides affecting human beings, wild boars also affect the room for survival of other animals. For instance, as butterfly larvae cannot survive without banana trees, the propagation of butterflies has been affected. However, the Government does not have any statistics on these animals; it remains very passive and it just has two hunting teams. They will apply for permits to hunt wild boars when they know their whereabouts. This is the only measure taken. Boars will destroy farmland when they look for food. Although the Government has suggested some guarding measures, it has not provided any substantive subsidies to help farmers or villagers install additional guarding measures. Hence, we think the Government must face up to the problem and formulate policies to allow wild animals to live safely without disturbing human beings.

Second, I would like to talk about the diseases spread from animals to humans. Honourable colleagues should not think that there is not much connection between zoonotic diseases and human beings; they will understand the connection when I name a few diseases. SARS is related to masked palm civets; H5N1 (avian influenza) is related to birds (geese, ducks and chickens); H1N1 is related to the friends of McDull (that is, pigs); AIDS was initially spread in Asia by orangutans to human beings; as Honourable colleagues have heard, mad cow diseases are carried by infected cows; pestilence in the past, that is, the plague, was spread by mice; and there is also rabies. We should not forget that Hong

Kong was only officially declared a rabies free area in 1987. Some parasitic diseases of animals are even more serious. Thus, Prof YUEN Kwok-yung has said that human beings are getting more frequently attacked by animal diseases. Therefore, treating animals well is the same as treating ourselves well, and we should respect the right to survival of wild animals. Hence, I would like to urge the Government to allocate more resources for studies to be conducted on the relations between infectious diseases of animals and human diseases, and the new development in this respect. We should also conduct multiple monitoring of the development of infectious diseases of animals.

Last but not least, I would like to discuss the TNR policy. I support this policy, but I also hope that the organizations concerned can provide more evidence to help ordinary people in Hong Kong understand the effects of the TNR programme so that all of us would feel relieved and support it.

Thank you, President.

MR ALAN LEONG (in Cantonese): President, Mahatma GANDHI in India has said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." In other words, we can judge a nation's greatness and moral standards by the way it treats animals. Although Hong Kong is a highly developed area, our animal-friendly policy and the way we treat animals are actually lagging far behind many other civilized places.

President, in 2009 alone, the Agriculture, Fisheries and Conservation Department (AFCD) caught around 16 000 stray cats and dogs, of which 13 000, about 80%, were euthanized. Under the present system, if the stray cats and dogs caught by the AFCD are not adopted within four days, the AFCD can euthanize them. Every animal is a living thing, President, if the Government kills more than 10 000 healthy animals this way, it can hardly convince Hong Kong people that it respects life.

The Civic Party agrees to the statement made by the Chief Executive in the Policy Address that the problem of stray cats and dogs should be tackled. We support the adoption of the "Trap-Neuter-Return" (TNR) policy to effectively and naturally reduce stray cats and dogs, and this method also has the support of the World Health Organization and the World Organization for Animal Health.

President, the AFCD had already consulted 18 District Councils in 2007, and a half of them supported the Government's implementation of the TNR policy on stray cats and dogs in their districts. But, President, I do not quite understand why the policy has yet been implemented after more than three years. Thus, I once again call upon the Government to immediately implement this policy with a view to saving stray animals.

President, we still need to improve the animal adoption system so that the lives of fewer innocent animals will be sacrificed. According to the current information, only approximately 10% of stray cats and dogs have been adopted. Members of the public can only adopt animals through 11 animal welfare organizations, but it is learnt that these organizations do not have adequate resources. President, if I want to adopt a stray dog Bobby caught by the AFCD, a welfare organization may worry that I may change my mind after they have taken over Bobby from the AFCD. A serious problem will arise, for if I change my mind and do not adopt the animal, the welfare organization will have to utilize its limited resources to look after Bobby. Therefore, the Civic Party thinks that it is best to increase the number of animals for adoption. In other words, the AFCD should operate some sheltering and adoption centres to facilitate direct adoption by the public. Then, the adoption process does not need to be completed through these intermediary welfare organizations. If we can find the former owners of these abandoned cats and dogs, we can ask them to bear part of the expenses on keeping their animal before they are adopted, and I believe that we are not asking too much.

Though we have increased the maximum penalty for the abuse of animals to a fine of \$200,000 and three years' imprisonment in 2006, the penalty imposed by the court has remained too light since 2006. On average, the penalty is only a fine of \$1,200 and not more than six weeks' imprisonment, which fails to reflect the seriousness of the cases. So, we call upon the Department of Justice to file appeals when the sentencing is considered too light in order to achieve a deterring effect.

President, animals can hardly protect themselves when they are abused. Taking the adoption of children in Hong Kong as example, the persons adopting the children will be examined very strictly, such as checking their family background. In our view, when arranging owners for animals, we should rule

out those with propensity to ill-treat animals. For this reason, we suggest giving the authorities concerned, including the courts, sufficient authority to prohibit those who have already been confirmed or convicted as animal abusers on many occasions from adopting or keeping animals.

President, the Civic Party is also greatly concerned about the regulation of animal breeders and animal trading. Our laws do not regulate the so-called hobby breeders, and anyone can claim that he is a hobby breeder. In that case, the animals they keep can breed continuously and sold for profits. If we compare Hong Kong to the United Kingdom, there is a Breeding and Sale of Dogs (Welfare) Act 1999 in the United Kingdom, specifying that a person needs to obtain a licence if the dog he keeps gives birth to puppies five times a year and he sells those puppies. If we in Hong Kong enact legislation with reference to this law in the United Kingdom, we can plug this loophole of breeders who are unregulated. President, the Government should take this point into consideration.

Furthermore, some breeders lack the relevant knowledge and they just care about benefits, thus they arrange for breeding arbitrarily and make animals suffer. In my amendment today, I have especially given the example of Scottish Folds. They look very cute and the market price is more than \$10,000 each. However, the folds in their ears are caused by genetic problems, and this species are actually suffering from osteochondrodysplasia. Joint degradation causes them severe pain, they have lower resistance and they fall ill easily. Cat societies in the United Kingdom had stopped accepting the registration of Scottish Folds long ago. Therefore, from a humanitarian angle, the Government should consider enacting legislation on prohibiting the breeding and importation of pet species such as Scottish Folds.

In addition, President, online animal trading can easily give rise to loopholes and causes problems connected with smuggling of animals or animal hygiene. We can make reference to the practice in Taiwan in this respect. In Taiwan, the laws specify that animals involved in animal trading, including online trading, shall be provided by licensed breeding centres or people, and such animals should be implanted with microchips. Relevant documentation should also be attached to confirm the sources of the animals, so as to facilitate follow-up actions in case investigations are conducted in future.

Finally, President, I would like to talk about the impacts of the clearance of rural places on animals. Residents in rural places usually keep a few animals; quite a few are bigger than those kept by people in the urban areas, and they are used to living without constraints. In the face of the clearance of these villages, the residents will move to housing estates but these animals may not be able to move there with their owners. President, you may have heard that some residents in Tsz Tin Tsuen have no alternatives but to leave some cats and dogs in the village, and they just go back to feed these animals every day. It is too bad that some of them are considered as stray cats and dogs and caught by the AFCD. According to the established policy, they may be euthanized four days later. Luckily, the rescue action initiated on the Internet has highly favourable responses. According to my understanding, dogs in Tsz Tin Tsuen caught by the AFCD already have new homes. Yet, we cannot take similar rescue actions on each occasion. For this reason, I wrote to the Director of Agriculture, Fisheries and Conservation when the incident first occurred, asking the AFCD to formulate an established policy on village clearance so that animals would be registered before the clearance of villages, and the Housing Department would be contacted such that it could exercise discretion and suitable places could be found for these cats and dogs, lest they should become stray animals.

President, I so submit.

MS CYD HO (in Cantonese): President, when animals in a society are well-treated, the people in this society is naturally more caring. On the contrary, if a society is filled with violence and grievance, people will vent their dissatisfaction on some small and weak animals. For instance, they may do harm to animals cruelly in alleys when no one is there. If we let the problem run its course, the violence in society will soon be taken out on people.

The amendment I propose today focuses on three aspects. First, I would like to supplement the concept of wild animals and domesticated animals in the motion. Though the subject today is about the rights of animals, the many measures mentioned are focused on domesticated animals or animals used to be domesticated, and the concept on wild animals is not well expressed. Second, I would like to point out the responsibilities of animal keepers. In this respect, I propose that microchips be implanted in all domesticated animals, so that we can track the keepers and prevent animals from being abandoned, treated with cruelty

or hurt. The third aspect is on reviewing the policy on the keeping of animals in public housing units. At present, public housing tenants are subject to a demerit point system. Tenants are not allowed to keep pets in their units, but a number of them, such as elderly tenants, may do so. Moreover, tenants relocated to public housing because of urban redevelopment or demolition of villages in the New Territories may wish to bring along the domesticated animals they have been keeping upon relocation. Hence, I consider it necessary to review the policy.

I will then talk about each of these aspects in detail. President, animals and mankind can live together. Under the balanced ecological system of nature, men and animals can live peacefully together, and all kinds of animals should be allowed to reproduce under a suitable climate and ecological habitat. But in the evolution of man, certain animals have been domesticated to be partners of men in farming, and even friends in their family. If keepers arbitrarily bring species that are not suitable to inhabit in Hong Kong by smuggling or trading, and eventually abandon those animals because they are incapable of keeping them, they are doing evil instead of taking care of animals.

Therefore, the primary responsibility of keepers is to understand the urban environment in Hong Kong. They should understand what animals can be domesticated at home within the constraints of their living environment. Then, they should train their animals properly, so that their animals can live peacefully with other members in the community. Our city is really cramped. This is not only so in public housing estates, private housing estates also have this problem. If a neighbour buys an untrained animal one day and he seldom brings the animal out for walking and exercise, the animal will inevitably bark often. Or when these animals see other kids in the housing estates, they will chase the kids and want to play with them, but this will scare the kids. These problems, more often than not, may provoke conflicts and clashes between pet owners and other residents.

Animals have to inhabit in suitable climates. Hong Kong is located in the subtropical zone and there is not much space for activity. If we keep sled dogs merely because we find it trendy after watching the beautiful sled dogs in the movie *Eight Below* I once saw a person walking three sled dogs in Kwun Tong. Those dogs in white and grey were just beautiful, but regrettably, the background was not covered in snow but a dark and dusty concrete forest.

These dogs are covered with thick hair, otherwise how can they pull sleds through the snow? To keep these dogs in Hong Kong can be likened to asking Eskimos to migrate to Hong Kong, and they are not allowed to change their clothes but have to live here in their thick coats. For this reason, owners of these dogs will always keep their air-conditioning on, and they dare not walk their dogs in summer time. Days after days, the character of these animals will change. These animals can hardly be tame, and they may even bite their owners.

As for other species of animals that I know, like the Maltese, they are born with long hair to the length below their eyes. But I have seen some Maltese dogs being shaved all their hair by their owners, which make them look like a "roast pig" but not a dog. I think they will not recognize their own species when they see one. This is cultural difference. For animals, they have lost their identity. In fact, we have to give due regard to the needs of animals. They need to communicate with other animals of their species. We cannot change their entire outlook. Therefore, I urge that if anyone wants to keep pets, they should first know the climate in Hong Kong and their living environment well before deciding which kinds of pets to buy. Never buy animals as gifts to friends at Christmas, New Year or Valentine's Day. Otherwise, the three animals may be abandoned in the middle of the year. It is evil to do so.

President, on the other hand, we have seen various kinds of wild fish in the ornamental lakes in parks managed by the Leisure and Cultural Services Department (LCSD). These include Piranhas, Red Tail Catfish — my pronunciation of its Chinese name is correct — and freshwater Tiger Sharks. Obviously, some people had brought these animals but they found out later that they could not keep them at home, and they eventually put these animals in the ornamental lakes. However, these fish are carnivores. When we put these fish in the ornamental lakes of the LCSD because we are incapable to keep them, these fish may escape the crowded environment in our home, but other living things in these ornamental lakes can hardly escape from being killed.

Moreover, I believe Members may remember the little crocodile "Pui Pui" found in Shan Pui River in Yuan Long. It would not have swum to Shan Pui River by itself. Someone might have smuggled it from overseas and it was then put in the river. We hope that pet keepers or businessmen should respect animals on the principle that all lives are equal. If those animals are not suitable for keeping in Hong Kong, please do not bring them here. Mr Alan LEONG

mentioned earlier that we had killed 13 743 abandoned animals in 2009. Actually, we had also killed 15 000 and 18 000 animals in 2007 and 2008 respectively. There are so many ghosts of the innocent along the streets. Though they are ghosts of cats and dogs, we should by all means stop killing living things.

President, I will now talk about the responsibilities of keepers. We always stress that pets should be sent to school, so that they can be trained. But more importantly, keepers should also be trained, so that they will be aware of the necessity of training their pets. For example, when dogs are inside a cramped lift for too long, they will dash out once the lift door is open. If there are kids of similar height of the dog standing outside the lift door at that moment, they will easily be scared by the dog. This is merely common courtesy between men, but animals do not know this, and it is thus necessary for pet keepers and owners to learn.

Moreover, since certain provisions in our legislation are obsolete, they fail to provide a good concept to keepers. Take the Dogs and Cats Ordinance as an example. Dogs are decided by their weight whether or not they have to be muzzled or on a leash. The Government just does not understand the habits and characteristics of animals, thinking that larger dogs are more dangerous. Indeed, certain large dogs, particular those pure-breed, are only bulk in size, and they are as tame as pigs. On the contrary, some small dogs, such as Chihuahua, are extremely emotional, but they are not required by law to be muzzled. Moreover, some medium-sized dogs are indeed the most dangerous. Certain fighting dogs, such as Bull Terriers and Dalmatians, are of this size. So, the present arrangement may be dangerous to a certain extent. We should educate the public, so that they know how to make responsible decision when they buy animals according to their time available and living environment. To prevent people from making irresponsible decision and abandoning pets, microchips should be implanted to these pets when are imported to Hong Kong. With this arrangement, we can confirm and track the keepers concerned and require them to undertake their responsibility according to law.

President, given the time constraint, I would now jump to the discussion on District Councils (DCs). When we mentioned the "Trap-Neuter-Return" programme, only nine out of the 18 DCs had expressed support. Today, all political parties and groupings of this Council support all the amendments. I

hope that Members from all political parties and groupings will implore their "brothers and sisters" in DCs to be caring to animals, treasure animal rights and support the "Trap-Neuter-Return" programme, so that this policy can win the support of the 18 DCs. Thank you, President.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have to thank Mr CHAN Hak-kan for proposing this motion, and the six Members for proposing their amendments, which give Members the opportunity to discuss a subject of concern to many people.

In recent years, an increasing number of people keep pets, and the awareness of Hong Kong people about animal protection has heightened. I also have kept pets in the past, and I understand that pets occupy a very important position in the hearts of many pet owners.

Surely, pets are our good companions and bring us joy. Keeping pets at home may instill correct values of respecting lives and love animals in children. But keeping pets also means the undertaking of responsibility and a promise. The moment we adopt a pet, we have taken up the responsibility of caring and loving it for life. At the same time, we have to ensure that our pet will not cause nuisance to our neighbours or the environment. We make this promise to our pet and ourselves. I give particular emphasis to the concept of "caring for life" because there are still certain people who start keeping pets without careful consideration. They eventually abandon their pets for various reasons. These pets are left wandering along streets, suffering from hunger and lack of care. I believe people who want to keep pets love animals. I remind people that they must think carefully before they keep pets. Once they become the owners of pets, they should not give up halfway.

Changes have been made to animal protection policies in Hong Kong according to the development of society and concepts of the public. In 1950, legislation was passed to prohibit the slaughtering of cats and dogs for consumption as food. The Rabies Ordinance was enacted in 1992 and amended in 1996 to stipulate that dog owners must assume the legal liability of keeping their dogs under effective care, and require owners to ensure that their dogs have been licenced, vaccinated and implanted with microchips. After reunification, in 1999, legislation was passed to require dog owners to keep large dogs under

effective control and prevent their dogs from hurting other people and animals. In 2006, the penalties on cruelty to animals were increased substantially from a fine of \$5,000 and six months imprisonment to a fine of \$200 000 and three years imprisonment.

In addition to legislation, we have drawn up a code of practice for handling food animals and animals for experimental purposes to protect their interest. A code of practice for abattoirs has been laid down to prevent food animals from unnecessary sufferings in the course of slaughtering. Early this year, we tightened the additional conditions attached to animal trader licences to impose more stringent control on the sources of dogs for sale. The SAR Government has always been pragmatic and proactive in protecting animal rights. We will continue to work on this and review the existing legislation and polices at times to ensure rights and interest of animals are under proper protection.

Animal protection is a very important social value and concept that the public must accept. As such, promotion and education is of particular importance. The work in this respect includes two major aspects: first, the public have to respect and protect lives; second, to enhance public awareness of becoming a responsible pet owner.

In the Policy Address this year, the Chief Executive has explained the major work in promoting animal welfare, stressing that the number of stray cats and dogs must be reduced at source. The motion debate this time gives us a good opportunity to collect the views of the Legislative Council on animal welfare, so that the policies and measures formulated can cater for the needs of society.

President, I so submit. After listening to speeches made by other Members on the motion, I will respond to the salient points.

Thank you, President.

DR RAYMOND HO (in Cantonese): President, as the living conditions in Hong Kong have improved, an increasing number of people is interested in keeping pets, and members of society in general attach importance to the rights of animals. In recent years, the Government has been taking proactive measures to

cater for the needs in this respect and has planned to add five new pet parks in Sai Kung, Shum Shui Po, Kwun Tong and Tuen Mun in the next three years, increasing the number of this type of parks in the territory to 24.

Having said that, some people in society treat animals cruelly for various reasons. They abuse animals with all kinds of evil doings mainly out of selfishness, the desire to give vent of their emotions, or even perversion. Their behaviours may threaten the lives and inflict serious damages on the bodies of animals, and cause unnecessary sufferings to those animals. Hong Kong is an advanced and civilized society, and we should in no way condone any inhumane treatment of animals. Actually, in 2006, the Prevention of Cruelty to Animals (Amendment) Ordinance 2006 was scrutinized and passed in Hong Kong, increasing the maximum penalties for contravening the Ordinance to a fine of \$200,000 and three years' imprisonment. However, cases of animal cruelty are still reported at times. The authorities must deal with such behaviour seriously. It should make every effort to track and arrest persons involving in these cases, and initiate prosecution against them to put them under the monitoring of law.

Apart from facing squarely cases on violent and cruel treatment of animals, the authorities should also step up enforcement against pet shops treating animals with cruelty. Since some of the abuse cases are not obvious, I believe front-line enforcement officers must understand the general situation and have certain experience in order to handle these cases effectively. The authorities should enhance their training in enforcement where necessary.

Apart from cruel treatment of animals in physical terms, psychological harm done to animals should also be regarded as a kind of abuse. Some people start keeping pets just to follow the trend, but when they lose their interest, they abandon their pets on the street. These abandoned animals do not only suffer psychological trauma but also the agony of homelessness and hunger. Besides, many abandoned animals have caused nuisance to residents nearby. Since the intentional abandonment of animals causes animals to suffer, it is definitely an abuse of animals, which at the same time affects other people. It is thus a very irresponsible decision. In response to such behaviour, the Government should amend the relevant legislation and enforce the legislation rigorously to bring about deterrent effect.

As for abandoned and stray animals, the Agriculture, Fisheries and Conservation Department (AFCD) now adopted the policy of trapping and

euthanizing to control their numbers. Since the number of animals handled by the AFCD under this policy is numerous, some people and organizations concerned about animal rights have expressed disagreement with this practice. It is completely understandable. The "Trap-Neuter-Return" programme proposed by some of them is undoubtedly a more humane approach. However, the AFCD had received more than 20 000 complaints against stray cats and dogs in each of the past three years. Therefore, people affected by stray cats and dogs may not consider the proposed approach acceptable.

Surely, the most effective solution will be for the public to stop abandoning animals. Before starting to keep any animals, they must ensure that they can shoulder the responsibility of caring these animals in future and avoid making impulse decision. In this regard, the authorities should beef up its effort in conveying the correct message to the public.

Animal lovers should also assess their suitability of keeping pets according to their living conditions and lifestyles. For instance, if their living environment is relatively crowded, but they choose to keep large dogs requiring more space for mobility; or if they are extremely busy and have no time to stay with their pets, they will neglect their pets or make their pets feel being neglected. From the perspective of animal welfare, these arrangements are undesirable. Moreover, in keeping pets, owners must consider the interests of others. Some obvious examples are the nuisance caused by sounds made by animals and the possible influence on public hygiene. Pet keepers must consider these factors. The authorities concerned should give publicity to remind the public of things they should pay attention to in keeping pets and that they must take a responsible attitude in making the decision.

President, I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): President, in *Animal Farm*, a book written by the famous British novelist, George ORWELL, there is a well-known quote: "All animals are equal but some are more equal than others". This is definitely the case. If we look at the situation in society, we notice that some animals are treasured by their owners as apples in their eyes, but some are being abandoned and even abused to death. Horrible animal abuse cases are reported one after another. The ways those animals are tortured are pathological

and send chills down our spine. Is it lucky for animals to be in this world, or is it their ill fate to be here? Should they put their fate in the heaven's hand? Heaven knows.

In the past few years, the Democratic Party has been quite concerned about the rights of animals. Two years ago, our party chairman, Albert HO, proposed a motion on animal rights, bringing this subject into the Legislative Council. We have to thank animal rights concern groups and individuals, for they have prompted us to face squarely the rights of animals and the right to life of animals. In the past few years, they had been providing us with many substantial and effective opinions, leading to the improvement of the rights of animals. In the Policy Address this year, the Government takes a rare move in mentioning the following measures. It will make available more venues which allow the public to bring in their dogs, indentify suitable sites for new pet parks, plan to increase five pet parks in the next three years to increase the number of pet parks in the territory to 24, enhance public education and publicity, co-operate with animal welfare organizations to enhance adoption services for stray cats and dogs and provide free neutering services for adopted cats and dogs.

The first three plans are benevolent policies. But on the enhancement of adoption services for stray cats and dogs, front-line animal welfare organizations point out that since the keeping of cats and dogs are now restricted or even prohibited in public housing estates, Home Ownership Scheme flats and many private buildings, some pet keepers who have been keeping dogs and cats for years are forced to stop keeping their pets when they move. Therefore, many tenants, who are prohibited from or forced to give up the keeping of their pets, will consider the proposal on enhancing adoption service an irony and they just feel helpless.

On the other hand, I am more concerned about the worsening of animal abuse cases. Sometimes, cases reported in newspaper are horrifying. Though we only see the pictures, we feel deeply the pain of those animals, just that they cannot express themselves. According to many overseas studies, animal abusers are actually affected by the antisocial attitude. If they love abusing and killing animals in their childhood, they may abuse humans when they grow up, and they may have hidden inclination to murder. Some psychologists consider that the cruelty inflicted by abusers on animals may be inflicted on other feeble persons, such as children and the elderly. In other words, abusers of animals may have a

violent inclination psychologically and mentally. But if appropriate education, knowledge and counselling are provided at their childhood, and if education on animal caring is provided at school, I believe the number of animal abuse cases will reduce.

Hence, it is necessary to educate children in this respect, so that they will respect life and love animals from their childhood. This is extremely important. In a civilized society, abuses and murders of animals should in no way be tolerated. This is one of the important missions of education. Recently, some concern groups on stray cats and dogs contacted me, stating their desire to do something about this at school. For instance, the breeding of stray cats and dogs should be put under effective control, and plans should be drawn up for handling stray cats and dogs around school campuses. I am thinking about asking dedicated persons to promote the concept at school, and even assigning teachers to be animal ambassadors, so that the "Trap-Neuter-Return" programme for stray cats and dogs can be implemented at school, rather than euthanizing stray cats and dogs once they are found.

I also hope that more volunteers will come to school to teach students that cats and dogs are not toys, they also have feelings and they will feel happy and painful. Like human, they are independent living entities. Though this kind of education appears to be superficial and simple, not every child knows that. Some volunteers tell me, since the keeping of cats and dogs are not allowed in many places in Hong Kong, or that many families have not kept cats and dogs at home, children know little about animals, and they do not recognize that animals also have feelings and the right to life, and animals are not their toys. When children understand that animals will feel happy, angry, sad and joyful, the seeds of love of animals will bloom and bear fruits. Moreover, if children treat their animals as their toys, how can they take care of their animals for a lifetime? Abandoning animals after play is a more callous kind of abuse.

The Bible says: A righteous man cares for the needs of his animals. Not to mention physical and psychological animal abuse cases, the intentional abandoning of animals is a kind of animal abuses. Moreover, in protecting the rights of animals, the following tasks are of extreme urgency. These include the improvement of the existing management mechanism for the sale and registration of animals, the review of the licensing and regulatory mechanism for the sale and breeding of pets, the stepping up of the monitoring of the sources of animals, and

the combat of problems such as unlicensed animal breeding and illicit animal import. However, before the implementation of these tasks, it is most important that enforcement agencies will protect animals with love and kindness. It is a benevolent act.

President, I so submit.

MR PAUL CHAN (in Cantonese): President, regarding the motion proposed by Mr CHAN Hak-kan today, six Members from various political parties and groupings of this Council have put forth their amendments, and two of them are Members from the Hong Kong Federation of Trade Unions. It is evident that pets are loved by people and people are quite concerned about animal rights.

Many colleagues have quoted from the report issued by the Director of Audit on the "Control of Pet Animals" in March this year and the report on the full review on Hong Kong's animal welfare legislation issued by the Faculty of Law of the University of Hong Kong and the Society for the Prevention of Cruelty to Animals (SPCA) jointly. It is pointed out in both reports that in the control and management of pets, and the enforcement, promotion and education about pets, laws in Hong Kong are very outdated, and there is a lot of room for improvement. I hope that the authorities may consider the above reports and review the present inadequacies with a view to improving the situation.

President, as for the motion today, I would like to point out that in terms of caring for pets and animals and adopting a responsible attitude, the public and the community have actually been doing better than the Government. According to the statistics of the Government obtained in 2006, there were as many as 286 300 households keeping pets in Hong Kong. In other words, one in every eight families keeps pets, and half of them are keeping dogs, whereas 20% of them are keeping cats. Take the keeping of dogs as an example. As far as I know and see, a lot of dog owners are very considerate and civilized. When they or their domestic helpers walk their dogs, they will responsibly clean the faeces left by their dogs. Some may even bring along water to clean the urine left by their dogs. They make every effort to minimize the impact exerted on environmental hygiene and the nuisance caused to others by their dogs.

However, staff members of my Member's Office tell me that, more often than not, those large dogs kept by certain shops or construction sites for guarding

purpose are left running freely across the streets and leaving excreta everywhere, they are thus affecting the hygiene and causing nuisance to the public. This is a matter of law enforcement on the part of government departments. The authorities have laid down provisions in the Rabies Ordinance and other ordinances to require dog owners to obtain licences for their dogs and put their dogs on a leash. However, if dog owners fail to comply with those rules, how will the authorities enforce the provisions? The authorities may catch those dogs, but if the dogs have not been licenced, how can the authorities track the dog owners? I suggest that the authorities should set up a hotline for the public to report cases involving suspected illegal or unauthorized keeping of dogs, or ineffective control of dogs.

President, as for civil organizations, there are animal sponsoring groups organized by a small number of volunteers of their own accord. They put in money and effort to provide shelters for abandoned animals, including animals to be euthanized by the Agriculture, Fisheries and Conservation Department. But resource is a major problem to keeping a large number of animals which no one may adopt, and it is extremely difficult to find shelters for them. When Hong Kong is hit by a typhoon, and if their shelters are shabby, those groups will have to call on interested persons to receive those animals temporarily, so that those abandoned animals will not wander in the streets again when their shelters are blown down by the typhoon.

President, according to the report of the Director of Audit, the Government has spent a lot of resource each year in catching, keeping and euthanizing stray cats and dogs. Instead of spending those resources on ineffective measures, should the authorities consider subsidizing the civil organizations mentioned by me earlier, so that those resources may bring about better result?

However, President, when it comes to tackling the problem of stray cats and dogs at source, it all depends on the proper regulation of pet shops by the Government. It should also impose proper control on the sale of pets by amateur pet breeders and enhance public education on pet keeping. I think the authorities may even consider the Animal Welfare Order introduced by Britain in 2006, where prosecution will be initiated against the abandonment of animals.

President, two weeks ago, the motion debated at this Council on providing support on transport fares for persons with disabilities did not get positive

responses from the Government and public transport organizations. But I think we should continue to strive for it. Today, we may consider one of the points included in Mr Alan LEONG's amendment, that is, to examine the practice of allowing animal owners who are adequately equipped to board public transport with their animals. In this connection, I think the practice can hardly be applicable to buses, for 90% of buses are air-conditioned, and the practice may pose hygiene problems in the enclosed and cramped environment. Sometimes when I take the buses, it is so crowded that I have to stand near the door, and if that is the case, it will be quite difficult to allow domesticated animals to board the bus. However, I think the MTR Corporation Limited in Hong Kong may consider designating animal cabins at the end of trains during non-peak hours to provide a convenient transport means for pet owners who need to bring their pets along.

President, a majority of Hong Kong people are civilized and considerate, but if the laws of Hong Kong do not advance with the times, they cannot cope with the developing needs of society, exposing animals to unnecessary cruelty and pain, how can Hong Kong be abreast of the international community? How can Hong Kong be worthy of the claim as an international cosmopolitan?

President, I so submit.

PROF PATRICK LAU (in Cantonese): President, first of all, I thank Mr CHAN Hak-kan for moving a compassionate motion which raises our concern on animal rights. Mr CHAN Hak-kan has shown me many photographs of his pets. I believe that he moves this motion with a genuine concern.

President, which animal do you think has the largest impact on Hong Kong; and which animal is the favorite of Hong Kong people? When we, the Professional Forum discussed this topic, some thought that horses are the favorite animal of Hong Kong people. Horses stay in air-conditioned rooms and are attended by many people. They even have two large race courses for them to move around. But Dr Raymond HO does not agree. He thought that birds are the most respected animal in Hong Kong. Why? You know that we have Mai Po which provides a natural habitat for birds migrating southward. There is also a "Bird Street", and so on. Cantonese people like us love to bring along their bird in its cage to the Chinese tea house and listen to it singing. Moreover, a very special case is that at the car park outside the Legislative Council, if you are

not careful enough, you may get a gift dropped from the birds when you are parking your car. When you come out of your car, you will know what it is. But I do not ever find Members proposing a motion on this problem.

Going back to the subject, I hold that the biggest problem in Hong Kong is not having enough living space. We have discussed many topics concerning human beings such as home purchase, columbaria, and so on, and we have not yet resolved these problems. How should the Government handle the treatment to animals then? In fact, animals are the same as human beings. They need to have sufficient space to move around. This is the most important point. Each kind of animals has their own characteristics and requires different places to move around. The flats in Hong Kong are truly too small for keeping large pets. As such, only small animals are suitable to be kept as pets here. The Hong Kong Housing Authority, of which I am a member, maintained the policy of prohibiting the keeping of dogs in public rental housing flats in 2003.

President, I saw a placard on display at a museum in Shanghai on which it was written "Chinese and dogs are not allowed to enter". This was an extremely unfair treatment at the time, not letting the Chinese to enter a park. In fact, this humiliating ordinance is still in use in Hong Kong. Humans can certainly enter a park, but they cannot do so if they bring along a dog. This is a very big problem. Thus, the Chief Executive proposes to open some places for people to go with their dogs. I think he has at least provided a minimal response to public aspirations. I do not understand why dogs are not allowed in parks. But there should at least be some places for them to move around. Right? The Government should consider allocating some part of a park for dogs.

I also echo the Secretary in saying just now that promotion on the adoption of pets is very important. Every member of the public should think twice before keeping a pet. Once they have decided to keep pets, they should follow-through and be duty-bound to take care of them. Thus, I very much agree with the motion to step up the penalties. In face of the many cases of cruelty to animals, the Government should review the ordinance on cruelty to animals and step up the sentence to generate a deterrent effect. Only by so doing can the intensity of social concern on cruelty to animals be truly reflected.

However, I know that the Executive Director of the Society for the Prevention of Cruelty to Animals (SPCA), Mr Sandy MACALISTER is against the establishment of "animal police" teams. He said that the present inspectorate

efforts have been maintained for over 90 years and the present system is supported by the SPCA animal specialists and veterinary officers, coupled with investigation and prosecution by the police. He holds that the present system is already an effective measure to eliminate cruelty to animals, adding that Hong Kong is top notch in handling animal-related problems in the world (a Member just now questioned whether we are an international city). I do not quite know whether the system in Hong Kong is a better one because we have been using some For example, institutions like the SPCA can implement these policies of ours, which is a good approach to address our concerns about animal rights and keeping animals with a more compassionate attitude.

I so submit. Thank you, President.

MS STARRY LEE (in Cantonese): President, many people say that how people treat animals is an important marker of how civilized that society is because the way which people treat animals directly reflects the basic attitude of the local community on life. Reality shows that we still have a very long way to go before Hong Kong can truly become a modern city which cares about animals and people in general can treat animals like their family members.

Just look at our existing legislation and we will find that the focus of the legislation still remains at how to prevent cruelty and brutal treatment to animals or prevent abandoned pets from becoming stray animals. These are very basic animal rights. The SAR Government has never made active efforts to address this issue. The biggest price we have to pay is not public money, but the precious lives of animals which are at stake.

There are problems with the welfare policies, but I think the most critical one is how to minimize the number of animals being lawfully put down by the Government. Inflicting cruelty on animals cold-bloodedly is certainly outrageous, but not as outrageous as seeing tens of thousands of animals, including cats and dogs which are healthy and happy, be lawfully put down massively every year just because they are not adopted or because of other reasons. This practice is, by no means, humane. It is hard to understand why this practice is still adopted in a civilized society like ours. Thus, we must make greater efforts to help these small animals and stop similar incidents from happening again.

Many Members have spoken just now and Mr CHAN Hak-kan has also explained in his speech the position of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) on this issue, including the comprehensive implementation of the "Trap-Neuter-Return" programme. I understand that in order to truly take forward this programme, ongoing efforts have to be made on educating the public by the Government or non-governmental organizations. We understand that if animals cannot be released back to the community, their fate will be like what I have just described, that is, they will be euthanized.

President, you also know that the Yau Tsim Mong Branch of the DAB organizes the Pet Carnival every year. We have started long time ago to promote animal rights and pet rights together with pets groups. The initiative has met with overwhelming responses from pet-lovers.

Many friends of mine treat their pets like their children. But I must admit that many people, including myself President, in fact, I am instinctively afraid of large dogs. I found out only from Members spoken just now that large dogs are actually as docile as pigs. I remember when I was a child, I would instinctively scream or even drop the food holding in my hand if I saw a large dog approaching me. I believe many people have the same instinctive reaction like me. Apart from genuine scare of large animals, many residents have also reflected to me that they are concerned about the problem of animal faeces which will be difficult to be dealt with if these animals are all released back to the streets.

Thus, I absolutely understand that whether the "Trap-Neuter-Return" programme can be accepted by the public and successfully kicked off hinges on the concerted efforts of different parties as well as ongoing efforts to enhance publicity by the Secretary and the Bureau. If large dogs are truly as docile as pigs, more people should know about this.

President, next, I wish to talk about the pet shops. With the increasing popularity of pets, pet shops have become very common. However, there are cases of animals from unknown sources being sold by dishonest pet shops. We have also received similar complaints. The complainants found that the animals which they had just bought were infected with diseases and was later confirmed that it was from an unknown source. In fact, all these problems are attributable

to the existing over-lenient regulations. The import of animals, other than dogs, does not require registration and the number of animals imported is not restricted either. Moreover, the unsound registration system and the lax enforcement by the authorities have made the abandonment of animals, despite illegal, very difficult to be traced and substantiated by the authorities.

In this connection, the Government must review the policy on the importation of animals, so as to monitor animal quarantine and establish a traceable system, with a view to accurately assessing the number of animals in Hong Kong. Moreover, consideration should be given to fully implement the animal registration system and extend the present licensing system on dogs to cover other animals which can be kept as pets in general. At the same time, economic incentives can be provided to encourage pet keepers to neuter their pets.

Moreover, illicit dealers have made use of the Internet to sell animals of unknown sources. In this connection, apart from stepping up law enforcement, the DAB proposes that the existing penalty on unlicensed animal sales should be substantially stepped up from \$2,000; and the present penalty on the sales of animals of unknown sources by licensed dealers should also be substantially stepped up from \$1,000. Consideration should also be given to penalize dishonest dealers by suspending their licences.

Last but not least, I wish to emphasize the importance of public education. One major reason attributed to the abandonment of animals is that the Government has made too little efforts on publicity and education. People often have not given a thorough thought on keeping pets before doing so. This is the reason behind many cases covered by the newspaper or the cases that I know. For example, a boy friend may buy a pet as a birthday gift for his girl friend, only to find that her home is too small for keeping the pet and they have to find a way to do with it. As far as I know, such cases are supported by statistics. According to the Thematic Household Survey for 2006 published by the Census and Statistics Department, the situation is worrying because, first, almost 8% of the households (over 20 000 households) have considered not keeping their current pets and the most commonly cited reasons (almost 60%) were that they "did not like the pet anymore", "the pet toileting everywhere" and "the pet had grown up and thus not enough space", or even because "the pet lost hair". This reflects that many households did not think carefully before keeping pets.

Public education is thus indispensable, such that every Hong Kong citizen will think carefully before keeping pets. This is a life-long commitment.

President, the United Kingdom had its first legislation against cruelty to animals about 200 years ago. Unfortunately, 200 years later, our legislation still lags far behind, remaining at the stage of preventing abandonment of and cruelty to animals. Thus, President, I hope that we can work together to turn Hong Kong into a city which truly cares about animals. President, I so submit.

MR WONG YUNG-KAN (in Cantonese): President, as Mr CHAN Hak-kan has said in his opening speech, keeping pets is increasingly common in Hong Kong. But this phenomenon has also triggered many feedbacks from people who detest pets such as cats and dogs, thus building up a contention in recent years between those who love and those who detest animals in society. Other than keeping edible fishes, I frankly do not like keeping pets, though I do not detest them. Nevertheless, I hope that these cats and dogs would not be a nuisance to me because they are not properly taken care of by their owners. I believe this is the view on keeping pets taken by the majority members of the public.

Let me cite two famous writers in modern China as examples who have a completely different attitude towards pets. One is Bing Xin. Her Chinese zodiac is rat but she is in fact a cat lover. In her twilight years, she had a cat by her side in every media interview. Dedicated her whole life on advocating the greatness of maternal love, she seemed to have hold cats dearer than her mother at her old age. As for Lu Xun, he is a cat hater. In his essay titled *Dogs, Cats, Rats*, he lambasted the character of cats when they bully rats and birds which they have caught, explaining in details the reasons why he hated cats. In every city, there are people, irrespective of their class, who like pets and people who don't.

In the housing states which I have visited during my election campaign, there are many old people. Their family members have moved out and their cats or dogs are their only companions. Thus, we often see them taking their cats or dogs to the street. This is a social phenomenon.

Next, I wish to talk about SARS. During the outbreak in 2003, many scholars or doctors have pointed out that cats or animals might transmit the disease. Thus, within a week of the announcement, 1 000 cats and dogs were

found abandoned at the Mui Shue Hang Park which is in my constituency. This is a grave problem. I hope that the scholars can use their head before making casual remarks, so as not to trigger fear in society.

Thus, I hold that pet-lovers should love their pets till the day they die. They should not act like a "playboy" who would break up with a woman after getting tired of her. Neither should they treat their pets brutally or subject them to unnecessary pain. Pet keepers should not keep their pets in such a way that will cause nuisance to others, such as allowing the pets to make loud noises, excrete everywhere, scare and bite people, and in particular, spreading epidemics. As far as the animal-haters is concerned, if the pet keepers have made every possible effort to take care of their pets, the animal-haters should be more accommodating and respect that animals have the rights to be loved by human beings. For instance, despite the fact that Mr Lu Xun detested cats, he did not have any records of giving brutal treatment to cats and dogs other than lambasting them in his writing.

President, Mr CHAN Hak-kan has made a great effort to prepare a lot of information before today's motion debate. He learnt that I know a dog owners' organization and asked me to arrange a meeting with them for him. In order to prepare for this motion debate, I have relayed the relevant views to the dog owners' organization and they have also reflected their aspiration for safeguarding the welfare of animals to us. To safeguard animal welfare, we should adopt the same approach as with other social issues. We must work towards a harmonious society.

President, I wish to raise one more point. I understand that under the present situation, some people may abandon their pets, leaving them wandering around on the street. I truly hope that people will act like a government slogan, that is, they should think twice and consider carefully whether they are suitable for keeping pets before doing so. I think it is very irresponsible if people do not have a real intention to keep pets and abandon them after getting tired of playing with them. Hence, we hope that pet keepers and animal lovers can be psychological prepared.

President, given that pets come from many sources, the Government enacted a piece of legislation two years ago to properly deal with the management and sale of pets. But, to date, some dog breeders are still unable to obtain a license. I hope that the Government can help these people obtain a license, so

that the place of destination and the place of origin of the animals can be clearly specified. We often talk about the place of origin and the same should apply on pets so that the buyers will be able to know where their pets come from. Efforts should be made to discourage people from buying smuggled cats and dogs because such pets may frequently be infested with epidemic or disease which may create other problems to society and the public. I thus hope that people who intend to buy pets can be more generous and buy cats, dogs or other pets with clear information on their identity; otherwise, if they later discover problems with their pets and abandoned them, there will be many stray animals on the street.

President, I support the original motion as well as the amendments. I hope that the Government can expeditiously implement an "animal charter", so that pets can become our friends as well as our guardians. Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): President, I believe this motion will be accepted unreservedly by most people and it will be passed smoothly by this Council. Many Members have expressed my frustration, that is, human beings and animals are treated differently. The first motion is about human beings, and we gave great divergent views. But now when we discuss pets or the creatures, so to speak, we are not divided.

First of all, I have to apologize to certain dog keepers. During the "five geographical constituencies referendum", I have produced a caricature titled "'Dog class', bear with them" to mock the three Secretaries of Departments and the 12 Directors of Bureaux for rushing out together to indicate their refusal to cast their vote in the by-election. I originally planned to go up to Donald TSANG at a protest with this caricature which did not have these words. A dog keeper called me and said that his dog was far better than these public officers and that his dog and the public officers should not be mentioned together. I thus added the words "'Dog class', bear with them". In fact, it should be "'Dog keepers', bear with them". Dog keepers, blame me not. I was only forced by the situation to do so. Actually, animals or pets are more innocent than human beings in society. Here, I solemnly apologize to dogs keepers for the caricature. Secretary York CHOW, you are not in this caricature because there are already many public officers in it and I have forgotten to add you into it. There are four people in this caricature. They are the Chief Executive and the three Secretaries of Departments. The drawing looks very like the real persons.

Okay, back to today's topic. As a Chinese saying goes, "Trees change, let alone people." This is a saying used to express how one misses a person who had passed away. Now not even human beings have enough space to live. The living area of a Hong Kong person has almost dropped below the standard laid down by the United Nations. President, we can find caged homes in Kowloon West, which was your constituency in the past. The Chief Executive in his past visit to caged homes said, "We definitely cannot allow this to exist." But now you can find caged homes again. The unit square-foot price of these caged homes is comparable to that of certain expensive apartments. If dog keepers are compassionate enough, they do not need us to teach them how to keep their dogs. Do they? In those three-storey houses commonly found in overseas countries where there is a plot of vacant land in the front and a backyard at the rear, you will not find dogs there not having enough activity space. In fact, during my sojourn in Germany, I used to clean up the mess left behind by dogs every day. This Council feels the anger of the dog keepers and it is understandable that some Members, for the sake of their votes, may fawn on the dog keepers. But I have to ask, if the Government does not treat its people as human, do you think it will treat dogs humanely? Or will the Government treat its people as dogs? Or will it treat its people not as humans and the dogs not as animals? Or will the Government's treatment to them become neither fish nor fowl? I think this is exactly what the Government is doing.

The malady of Hong Kong is monopoly. The monopoly by consortia and property developers has rendered the poor homeless. People now are no longer like the people at the old times when they could have a place to live, however small that place might be. President, having a place enclosed by four walls, which you call home, is already a luxury. For instance, cage homes are not enclosed by four walls. Hence, having a place enclosed by four walls is a luxury. I believe the majority of the Members are kind-hearted. They will express their concern about cruelty or unfair treatment to animals. I salute to them. However, if this Government who treats people not as good as it treats dogs and has no compassion for the creature with two feet which we call human, I truly do not see that after listening to this debate, the Government will have any reaction. For instance, will the Government improve the living environment of Hong Kong people, so that the poor can have a place to live and the luxury to own a home with four walls, and in turn extend the benefit to dogs? I cannot see this Government will do so. I live in public rental housing (PRH). The Housing Department does not allow PRH tenants to keep dogs in their flats

because our PRH is unique in the world. The PRH flats are so small and compact that the flats are directly next to each other, without reserving any space for tenants to keep pets. The conflict of keeping dogs in PRH has thus arisen.

Second, I cannot help but remind Members here that many Members supported the scrapping of the former Municipal Councils and the system which used to manage urban and hygiene affairs. Let us look at today's situation. Members of the Democratic Party, after discussing with the SAR Government or the Communist Party, claimed that if they voted in support of the Government, they would be given something in return. Back in the days when the scrapping of the two Municipal Councils was discussed, Members thought that a big opportunity was coming, expecting that scrapping the Urban Council dominated by democrats could secure them the lion's share of the District Council. But they end up in the predicament now. With the scrapping of the former Urban Council or Regional Council which was represented by publicly-elected members to deal with matters closely related to public livelihood, public affairs are now handed over to the Legislative Council, while the District Councils are tasked with district affairs such as building bridges and repairing roads. Let us think twice. Should we still beg anything from the Government which has committed these two blunders? There is little that I can do, but I will follow the procedure and cast my vote. Yet, I truly find this sarcastic. Thank you, President.

MR ALBERT HO (in Cantonese): President, I welcome that the Chief Executive has expressed for the very first time his concern about animal welfare in the Policy Address.

He has particularly mentioned in his time-limited speech how to improve the pet parks and increase the number of parks. These are good proposals indeed. But what I am of gravest concern is not about pets, but about the poor animals which are being treated cruelly or may even be brutally killed and those which are going to be euthanized by the Government.

According to government statistics, 10 000-odd cats and dogs abandoned by their keepers are collected by the Government every year. As far as I know, because of the large number, the Government has no choice but euthanizes these healthy cats and dogs in every two or three weeks.

According to the figures provided by the Secretary, 16 770 cats and dogs were put down in 2007. The figure slightly dropped to 13 310 in 2009, still with over 1 000 animals put down every month. Remember, these are animals alive. They may not even be sick and may be able to stay alive if they are provided with a place to live. This is very pitiful. I really find this saddening and unacceptable that while pets kept by families can have a normal life, these lives are murdered.

In a civilized society, why can we not adopt an effective means to avoid this indiscriminate killing?

Recently, a bill has passed through third read in the Tainan City Council of Taiwan to prohibit the killing of unadopted animals. The resources used for handling these animals are now used for paying the cost of neutering animals by veterinarians. The neutered animals will then be transferred to certain organizations for adoption. The Tainan City Council member who advocated this motion urges other councils in Taiwan to follow suit. I think this is a very civilized practice. I do not understand why our Government cannot support charitable or voluntary animal adoption organizations to provide shelter and perform neutering on these homeless small animals so that they can live till the end of their lives. How could the Government put down these animals alive? Why can we not even accomplish a tiny task like this, not even able to respect lives?

If the Secretary were to tell me, "Sorry, we should not waste the resources on this", I would feel that he is too cold-blooded. Hong Kong is truly not worthy of the name of a civilized city.

Recently, I visited some voluntary organizations dedicated to animal adoption. Many of the animals adopted are sick. The volunteers there are so full of compassion and love with animals that I am really touched. In my last visit which was last summer, the temperature at Yuen Long was 34°C. There were hundreds of cats and dogs. Twenty-odd volunteers were cleaning and feeding them. The environment there was far from satisfactory. Large fans were on, but every one was sweating. I am really touched by their care about animals.

Many people know that Ms Yeung-Yeung is a kind-hearted lady who has reared many abandoned cows. As far as I know, she has over 100 cows and it is

a very tough job for her and other volunteers who work full-time voluntarily to take care of the cows. All the cows are neutered and they can live till the end of their lives. She respects these lives. In the past, these cows were sometimes battered, run over by cars, or might even be captured and euthanized by the Agriculture, Fisheries and Conservation Department staff acting on complaints. She now saves these cows from the harsh environment of the streets. Here, I salute to Ms Yeung-Yueng and other people who provide shelter for these poor stray cats and dogs. I hold that the Government should at least act humanely and allocate some funding and places for these people to keep these animals till these animals die.

In fact, these are not hard to do. If the Government cannot even do these first, whatever else it says is, to me, less important. Of course, I hold that we must face the issue of cruelty to animals squarely. Thus, we have urged the authorities to provide police training on how to handle complaints of animal cruelty, so as to ensure that these barbarous and brutal treatments to small animals will not happen again.

With these remarks, I support today's motion and amendments.

MR WONG SING-CHI (in Cantonese): President, I once went with a group of animal-lovers to the New Territories North Animal Management Centre (or commonly called Sheung Shui Dog Centre) to express our concern about their inhumane treatment to animals. I guess there were about 600 people participated in that activity. I was truly surprised to find so many people care about animals. I also said on site that the Legislative Council must initiate the formulation of an animal-friendly policy. Thus, I thank Mr CHAN Hak-kan for moving this motion today.

We can see that the Government has failed to provide basic care for animals, not to say animal rights. I thus hope that Secretary, Your Highness can humble yourself and go to the Sheung Shui Dog Centre after this meeting to explore the attitude of the staff and the environment there.

I wish to cite an example here. A New Territories North resident came to me and said that he would feed stray cats and dogs whenever he saw one on the street. One day, he learnt from another local resident that the stray dogs and cats had been captured and transferred to the Sheung Shui Dog Centre and one of the

dogs captured was the one that he was very fond of. He thus went to the Sheung Shui Dog Centre himself in a bid to adopting that dog. When he tried to find the dog at the Sheung Shui Dog Centre, he did find it there. He was able to identify the dog because he had been feeding it every day.

As he wished to adopt that dog, he asked a staff member at the Sheung Shui Dog Centre for the details. The staff member said that he could apply for the adoption and further asked him where he lost the dog. The resident then told the staff member that the dog was not his and he had not lost his dog, explaining that the dog was a stray dog, so he wished to adopt it. The staff member then told him that he could not adopt it and suggested him to claim to be the dog owner, adding that only the dog owner could apply for the adoption; if not, they could not let him adopt that dog. The staff member then asked him to claim himself as the dog owner. In the end, under the "guidance" of the staff member, the resident wrote himself as the dog owner on the form and wrote the place where he usually fed the dog as the place he lost it.

However, a while later, the staff members at the Sheung Shui Dog Centre gave him a hard time. They forbade him to take the dog, suspecting that he was not the dog owner and asked him many questions. Later, his friend went to the Sheung Shui Dog Centre again to defend the resident. In the end, the staff members there called the police, accusing the resident of fraud because he had claimed himself as the dog owner. But in my discussion with him, he told me that he had submitted a lot of information. I am sure if he had knew that no one other than the owner of a dog can adopt that dog, he would not pretend himself to be the dog owner.

At that time, I asked the Agriculture, Fisheries and Conservation Department (AFCD) staff member whether he had specified this condition. That staff member replied that they must make this specification and the staff member concerned must tell the adopter that only the owner of the animal could make the application. I then further asked whether they would "guide" the applicant to pretend to be the dog owner to make the application. The staff member replied that they would definitely not do so. That said, this is a case which both parties have their own argument.

The problem now is why would a member of the public, who loves and cares about animal, go happily to the Sheung Shui Dog Centre to adopt a dog which he thinks should not be euthanized become a defendant and be charged

with committing fraud by the police? Obviously, the Sheung Shui Dog Centre or the AFCD of the Government does not respect animal rights in handling affairs concerning animals or stray cats and dogs, let alone implementing animal-friendly measures to enable these animals to live on or have a better living environment. The civil servant concerned or the colleagues of the relevant government department seem unable to handle such affairs at all.

I certainly hope that after the implementation of an animal-friendly policy, every animal on earth can be given appropriate care and can live on. This is not an easy thing to do, but some of these local stray cats and dogs have not infringed on our lives, should we not at least respect their rights of survival? Unfortunately, when these animals are captured by the relevant government staff, they will be detained at the Animal Management Centre. Many animal-lovers or members of the public find this practice very inhumane. I hope the Secretary can visit these centres in person and make more efforts to exchange views with members of the public or those who have adopted animals.

In fact, we support most of the content, if not all, of the motion today. But the problem is, the motion is useless even if we pledge our support to it. If the Government does not have any intention to defend animal rights, or let animals live a better life, all that we have discussed today is in vain.

May I tell the Secretary, the animal-lovers are resolved to maintain their stand. They will definitely continue to fight for the lives of animals. If the relevant government department still turns a blind eye to this problem and refuse to adopt an animal-friendly attitude to handle animal issues, Secretary, the situation will only aggravate and intensify. I hope the Secretary can be compassionate and treat animals humanely, so that animals can live a normal life and be given the care they deserve.

Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr CHAN Hak-kan, you may now speak on the six amendments. The speaking time limit is five minutes.

MR CHAN HAK-KAN (in Cantonese): I wish to thank the six Members who have proposed amendments and the colleagues who have participated in the debate just now. President, all in all, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) will support all of the amendments and I will respond to the amendments as a whole.

Several Members have expressed their different views on the regulation of animal breeding and trading respectively. I support that online trading of animals and import of animal species with hereditary diseases into Hong Kong should be combated. With regards the establishment of a licensing system for professional breeders proposed by some Members, I hold that this is a rather complicated issue. The Government must discreetly define the system on the premise that animals will not be victimized and turned into breeding machines.

Mr WONG Kwok-hing and Dr PAN Pey-chyou's amendments mainly seek to protect endangered wild animals. The DAB supports them unreservedly. I only wish to add that although existing legislation allows the sale of some endangered animals, it does not require animal dealers to label the animals as endangered species; nor does it require pet shop operators to explain the relevant statutory requirements to buyers before the sale of these animals. These problems are very common among the trading of turtles, reptiles, snakes or lizards, and so on. I hope that improvement can be made in this regard by the Government.

Mr Alan LEONG proposes that efforts should be made to foster co-operation among departments, so that in the event of village clearing and relocation exercises in the New Territories, appropriate arrangement can be made for the villagers and the animals they keep. A similar problem has arisen from a land resumption exercise earlier at Tsz Tin Tsuen, Tuen Mun. I have also received many requests for help. In the end, with the help several animal groups, all detained animals were adopted or arranged for a new home. However, many animal groups are still concerned that similar problems may arise from future clearing exercises, such as the clearing of Choi Yuen Tsuen later. I hope that the Secretary can learn from the example of Tsz Tin Tsuen, Tuen Mun

and take note of the stray animals at stake or the rights of animals in similar village clearing exercises.

Another more controversial point in the amendment proposed by Mr Alan LEONG is to allow animal owners to board public transport with their animals. Mr Paul CHAN has also made some specific suggestions just now, which I support, but I wish to add that some people in society are afraid of animals. I thus hope that careful discussion should be carried out before hammering on this proposal so as not to frighten or bring inconvenience to the passengers.

President, Ms Cyd HO has raised an even more controversial point in her amendment, which is the keeping of animals by public housing tenants. This problem has become more prominent since the introduction of a marking scheme in public housing estates by the Government in 2003. I hold that it is high time for the authorities to find a solution to this problem. I have received quite many complaints lately, claiming that the Housing Department staff has different interpretation on keeping animals in public housing estates. As far as I understand, under the lease made with the Housing Department, public housing tenants are allowed to keep small animals which are not hazardous to health and will not cause nuisance to others. Animals such as cats, gold fishes, hamsters and turtles can be kept in public housing estates legally. However, some members of the public recently told me that because of the policy laid down by the Housing Department headquarter, they are not allowed to keep their turtles, gold fishes and hamsters and they have to take their pets to other places. Hence, I hope the Secretary can liaise with the Housing Department staff, so that they can understand the relevant policy and thereby prevent unnecessary dispute.

President, last but not least, Ms Miriam LAU proposes that efforts should be made to step up prosecution against owners who indiscriminately allow their animals to excrete anywhere. I hold that animal owners are responsible to clean up the excrements of their animals. They should not sacrifice environmental hygiene for personal convenience. But what is more depressing is that nowadays, it is often not the animal owner but the domestic helper who walks the dog and they may not have as strong an awareness as the owners to clean the dogs' excrement. I thus have a proposal for the Secretary and the Agriculture, Fisheries and Conservation Department. Apart from stepping up publicity for the animal owners, consideration should be given to work with domestic helper

organizations to step up publicity and education for domestic helpers. President, I so submit.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, first, I have to thank all Members who have participated in the discussion for their proposals and views. I have explained the fundamental policies of the SAR Government on animal welfare when I spoke for the first time, and I will not repeat them here. The Government is determined to protect the rights of animals and has implemented in continuity a series of animal protection policies over past years. The existing measures implemented by the Government may not have lived up to the ideals of some people concerned about animal protection. I hope Members would understand that the Government has to consider animal welfare measures from the overall perspective of society, balance the views and needs of different sectors in society and give due regard to the impact of animal diseases on public hygiene.

Members have put forth many opinions, but these can be summarized into the three aspects below:

- (a) whether the law enforcement on animal abuses has deterrent effect and whether the existing laws are outdated;
- (b) whether the existing measures implemented by the Government in handling stray animals and regulating the businesses concerned are adequate; and
- (c) how to provide additional resources and facilities to enhance the services for pets and pet owners.

I will now respond to these three points.

Let us discuss the amendment of the legislation and relevant requirements. First, it is about the legislation. Under the Prevention of Cruelty to Animals Ordinances, cruelty to animals includes cruelly beating, kicking, ill-treating, torturing, infuriating, or terrifying any animal to cause unnecessary sufferings to it. Cruelty to animals also covers the improper carriage of animals and putting animals in captivity, and so on. We consider the Ordinance has provided proper protection to animals, for its scope of coverage is very extensive. Since the

penalties for animal abuses were increased substantially in 2006 to a maximum fine of \$200,000 and three years' imprisonment, the number of complaints and reported cases on suspected animal abuses is on the decline. It indicates that the legislation has an effective deterrent effect.

I agree with the proposal of some Members that the abandonment of animals should be regarded as animal abuses. When owners abandon their animals, they make these animals homeless, which is tantamount to animal abuses. Actually, under the Rabies Ordinance, a keeper of any mammal who abandons that animal commits an offence and is liable to a fine of \$10,000 and imprisonment for 6 months. As to whether heavier penalty should be imposed, further discussion in society is required.

As I mentioned earlier, the Government will at times review whether the existing legislation can adequately protect animal rights according to the values of the public and the needs of society. We will examine carefully whether it is necessary, as proposed by Members, to issue orders forbidding repeated offenders or convicted persons involved in serious cases from keeping animals and make it mandatory for cats to be implanted with microchips. Since legislation on animal protection involves various sectors in society, it is necessary to conduct in-depth and detailed studies during reviews, as well as extensive and comprehensive consultations where necessary.

In respect of law enforcement, at present, various government officers are empowered to enforce the Prevention of Cruelty to Animal Ordinance under various circumstances. The Agriculture, Fisheries and Conservation Department (AFCD) has set up a special team on animal management and animal welfare, whereas the Criminal Investigation Division (CID) under the Police also has a special team responsible for the investigation of cases on cruelty to animals. The two departments will exchange information at times and hold inter-departmental meetings where necessary to discuss the effective follow-up of similar cases and the enforcement of relevant legislation. Enforcement departments will deploy resources flexibly according to needs, so that cases on cruelty to animals will be handled effectively. The public now know how to make use of various effective channels to report animal abuse cases, including making calls to the Police or the AFCD via the 1823 Call Centre. The Government considers there is no need for the time being to set up an additional hotline for reporting animal issues.

At the judiciary level, some Members are concerned whether the sentences handed down are too lenient. We notice that the recent sentences handed down by the Court have achieved deterrent effect in some measure. For instance, in March this year, a man convicted of abusing a dog was sentenced for two months' imprisonment. And in April this year, an owner of a dog farm was sentenced for a fine of \$7,000 and two weeks' imprisonment for negligence of care of dogs. The Department of Justice will act according to the established policy, and if it considers the sentences handed down by the judge is apparently too lenient, it will apply to the Court for a review of the sentence.

Some Members who have spoken are concerned about the Government's existing policies on handling stray animals. In each of the past three years, the AFCD had received more than 20 000 complaints about stray animals. Actually, stray animals will not only cause nuisance to the public but also spread diseases, including rabies, a life-threatening disease. Around 55 000 people died of this disease every year worldwide. Hong Kong is one of the few places that are still a "non-infected area". No new case has been found for the past two decades or so. As up till now, rabies is still the only acute communicable disease with a 100% mortality rate to human, and rabies has become an endemic disease in the Mainland and many South East Asian countries, hence, we can never underestimate the potential risks posed by stray animals.

Dr PAN Pey-chyou pointed out earlier that we should pay attention to other animal diseases. The AFCD of the Government and the relevant studies conducted by universities have paid attention to this aspect, and we will conduct frequent studies about this issue.

Many Members are concerned about the AFCD's handling of stray animals. Some people even have the wrong impression that stray animals will be euthanized once they are caught. I must clarify here that this is not the actual case. Stray animals caught or animals given up by their owners will first be sent to the animal management centres of the AFCD for observation. The centre will try to locate their owners according to the information in the microchip implanted. During this period, these animals will usually stay in the centres for 10 to 20 days temporarily. For animals with no microchips implanted, they will stay in the centre for at least four days to wait for their owners to reclaim them. If animals given up by their owners and unclaimed animals are considered to be in good health and considered as docile and suitable for adoption by veterinary

surgeons after assessments, the AFCD will transfer these animals to animal welfare organizations to be adopted by the public. Only those animals that have not been reclaimed or adopted will eventually be euthanized. Other major cities in the world also adopt this approach, which is a common practice in the international community.

In recent years, with the decrease in stray cats and dogs, the number of cats and dogs euthanized in Hong Kong each year had also declined from 16 770 in 2007 to 13 310 in 2009. Despite that, like Members of the Legislative Council and animal welfare groups, we are quite unwilling to see too many animals being euthanized. Hence, I once again implore pet owners not to abandon their animals.

We have also made proactive effort to encourage the public to adopt stray animals. The AFCD co-operates with 11 animal welfare organizations on arranging animal adoption services. A majority of these organizations provides counselling and other services to future owners of those pets, which is a better arrangement than direct adoption from the AFCD. This arrangement is in line with the principle proposed by Members in enhancing the education of keepers. The AFCD is now discussing with these organizations measures for enhancing animal adoption programmes. These include the introduction of new procedures for animal adoption, the provision of assistance to these organizations for promoting relevant services and the strengthening of the technical support for partner organizations. When suitable animals are available for adoption, the AFCD will take the initiative to contact these partner organizations and provide the photos of animals to them for consideration. The AFCD plans to provide free neuter services to animals adopted via partner organizations under the outsourcing arrangement. At the same time, the AFCD will expand the coverage of the scheme. At present, several animal welfare organizations have already submitted their applications. The AFCD will assess the applications on the basis of the operation and experience of the organizations in keeping animals and in arranging adoption services, as well as the relevant facilities of the organizations.

Some local animal welfare organizations propose implementing the "Trap-Neuter-Return" programme for dogs, allowing neutered stray dogs without an owner to be returned to public places. As I mentioned in my reply to a Member's question in the Legislative Council, only when pets are cared and loved

can their welfare be considered as well protected. We consider that any programme involving the returning of stray animals, dogs in particular, to the outdoor should give due regard to this principle. No matter a dog has been neutered or not, it is a stray dog. Whether such dogs will receive proper care and protection is a matter of concern. Moreover, since residents nearby may worry about the nuisance caused by stray dogs, animal welfare organizations must secure the support and recognition of the community before implementing these programmes. In 2007, the AFCD, in collaboration with the animal welfare organizations advocating this programme, consulted various District Councils (DCs) on the relevant programme. Nine of the 18 DCs supported in principle the implementation of the trail programme in their districts, while seven expressed objection and the remaining two made no indication. The AFCD is now discussing the details of the programme with the animal welfare organizations. Issues discussed include the legal liabilities and responsibilities for compensation when stray dogs returned caused loss of life or property, ways to ensure stray dogs returned will receive proper care, and ways to ensure they will pose no danger to residents nearby and minimize the nuisance they caused, and so on. The AFCD will help the organizations concerned to consult the relevant DCs on the details of the programme as soon as possible.

Some warm-hearted persons feed stray cats and dogs regularly out of love, sparing these animals from hunger. Though I basically appreciate their kind-heartedness, I disagree to such behaviour, for dogs need more care other than food. Dogs have to be cared in many other ways, such as taking care of their health and hygiene condition and bringing them to exercise. Surely, they have to be loved for a lifetime. In general, if animals love you, they will love you for a lifetime, unlike the playboys mentioned by Members earlier. It is not common for animals to change owners, so we must take care of them for a lifetime. Besides, coming into contact casually with stray cats and dogs of unknown health condition can be health-threatening. Moreover, given the small area and dense population in Hong Kong, stray animals will usually gather at places with food and they will cause nuisance to residents nearby. Hence, I urge people to stop feeding stray cats and dogs.

Many Members proposed tightening the control on pet shops. In view of this, early this year, the Government tightened the additional conditions attached to animal trader licences, stipulating that pet shops could only sell dogs obtained from authorized sources. The arrangement seeks to adopt more stringent control

over the sources of dogs on sale, so as to maintain public hygiene and protect the welfare of animals. At present, all animal traders, including animal breeding centres and pet shops, must obtain the animal trader licences issued by the AFCD and comply straightly with the relevant licencing conditions and the code of practice. Since the additional conditions have come into effect, the AFCD has kept a close watch on the implementation by inspecting the licenced pet shops once a month on average. The AFCD will review the effectiveness of those additional conditions from time to time.

Some Members propose enacting legislation to prohibit the breeding and importation of animal species suffering from genetic diseases. I would like to point out that there is no direct causal relationship between species and hereditary or common diseases. Animals of the same species do not necessarily suffer from the same disease. According to the views of veterinary surgeons and experts of the AFCD, it is indicated in the literature on Scottish Folds that not all cats of this species will show upper joint symptom. It is difficult to predict the results of animal breeding, so the AFCD has no plan to prohibit the breeding of individual animal species or types. More importantly, the public should understand the health condition of these animals, and they should not ask for certain so-called rare species hastily. The Government will continue to pay attention to the development in this respect in the international community. Under the existing licencing requirements on pet shops, pet shops are prohibited from selling animals suffering from diseases.

Some Members are concerned about the adequate supply of veterinary surgeons in Hong Kong, and I would like to give some supplementary information. At present, there are around 200 000 registered dogs in Hong Kong and more than 400 registered clinical veterinary surgeons, which means every 500 dogs will be served by one veterinary surgeon on average. This ratio is higher than that in advanced countries like Japan and the United States. At present, anyone meeting the approved academic requirements laid down by the Veterinary Surgeon Board (VSB) may apply to the VSB to be a registered veterinary surgeon. The Government has set up scholarship funds for local students studying veterinary courses overseas. Moreover, the Hong Kong Polytechnic University has, in co-operation with the Royal Veterinary College, organized a course on the Bachelor of Science degree in Veterinary Nursing. We consider that the supply of veterinary medical and nursing staff in Hong Kong can cope with domestic demand.

Members have put forth many proposals and urged the Government to provide various services to facilitate pet owners to take care of their pets, including medical services, hospice services, funeral services, food labeling, transport arrangement and permanent animal reception centres, and so on. Since services provided by the Government involve the use of public money, we must take into account the overall interests of society in considering Members' proposals, and on the premise that the resource spent will bring about the maximum effect.

Some Members are concerned about the operation of the animal management centres under the AFCD. The usual duty of animal management centres include observing and quarantining imported animals, vaccinating dogs against rabies, issuing licences for dogs, receiving animals that the public can no longer take care of, co-operating with animal welfare organizations in arranging animal adoption services, and providing foster services and care to smuggled animals or animal exhibits confiscated in law-enforcement operations. In the four animal management centres under the AFCD, the resident veterinary surgeons in the centres are responsible for monitoring the health of animals, and the daily operation and environmental hygiene in the centres. I have to point out one thing. Since animals at animal management centres come from various sources and are of different species, including stray animals, lost animals, and animals involving in prosecution procedures or being used as court evidence, we must exercise necessary bio-security and security measures to minimize the risk of spreading of diseases between men and animals, and to maintain the impartiality of judiciary procedures. Recently, the AFCD has invited Members of the Panel on Food Safety and Environmental Hygiene of the Legislative Council to visit its animal management centre in Sheung Shui. The AFCD will continue to examine how it can, on the one hand maintain the bio-security of the environment in animal management centres, and on the other hand enhance the understanding of animal welfare organizations and the public on the operation of these centres.

Some Members have mentioned the setting up of an animal protection fund. In this connection, at present, animal welfare organizations can apply funding from the AFCD to engage in work relating to animal welfare. The organizations concerned only need to submit the proposals of the projects, stating the objectives, detailed content, performance indicators, and so on to the AFCD for consideration.

Mr WONG Kwok-hing mentioned the situation of stray dogs and endangered wild animals, and the problem of stray cows in Hong Kong. In Hong Kong, stray cows usually inhabit in the northeastern part of the New Territories, Yuen Long, Tai Mo Shan, Lantau Island and Sai Kung. Although oxen and buffaloes are not protected animals, the AFCD regularly exchanges views with animal welfare organizations and village representatives on the number of stray cows and their activity area. According to our information, there are a thousand odd stray cows in Hong Kong at present. We will protect stray cows by all means and minimize the nuisance they may cause to the public, and appropriate actions will be taken in a proper manner when necessary. For instance, the AFCD has carried out neuter surgeries for stray cows in Lantau Island, but the effect is far from satisfactory. We are now considering whether other approaches can be adopted in this respect. At the same time, the AFCD will deploy officers to conduct regular inspections on the habitats provided to these stray cows by animal welfare organizations to ensure the proper management of those habitats.

Concerning the protection of endangered species, the Government has protected most of the habitats of wild animals in the territory by setting up protected areas, such as country parks, special areas and sites of special scientific interest. In 2002, the AFCD started conducting a comprehensive and long-term biodiversity survey. The findings of the survey indicate that a vast majority of habitats of native species are being protected to certain extent. Moreover, the AFCD has launched conservation programmes on rare species of plants and animals, and findings from long-term monitoring indicate that the population concerned is in good condition. I will convey the views I heard today on endangered species, including the views on wild moneys and boars, to the Secretary for the Environment.

President, since the motion debate today covers a wide scope, I may not be able to respond to every point mentioned by Members. However, I notice that all Members who have spoken have brought forth the basic message that we should love and protect animals. The Government shares the same views with Members in this respect. As I have stressed repeatedly, pet owners must shoulder the responsibility of caring and loving their pets for a lifetime. I consider keeping of pets a solemn promise comparable to raising our own children. People who decide to keep pets must consider the issue thoroughly beforehand, as if they decide to have children. Once they have decided to be pet

keepers, they should be prepared to take care of their pets for a lifetime. Today, I have heard many precious views and proposals put forth by Members, and we will definitely make continuous effort to follow up the issues proactively.

Thank you, President.

PRESIDENT (in Cantonese): Ms Miriam LAU, you may move your amendment now.

MS MIRIAM LAU (in Cantonese): President, I move that Mr CHAN Hak-kan's motion be amended.

Ms Miriam LAU moved the following amendment: (Translation)

"To add ", given that" after "That"; to add ", online sale" after "unlicensed animal breeding"; to add ", employ animal capture devices that inflict the least injury" after "the 'Trap-Neuter-Return' programme"; to add "in all districts in Hong Kong" after "including identifying sites"; to add "at the same time, to step up inspection and prosecution against owners who indiscriminately allow their animals to excrete anywhere;" after "improving environmental hygiene;"; to add "and adoption" after "more animal welfare"; to delete "and" after "activities;"; and to add "; (m) to examine the extension of the microchipping and licensing schemes to cats, so as to help owners reclaim their missing cats, prevent the abandonment of cats by irresponsible owners and institute prosecutions against them; (n) to examine the establishment of public animal hospitals or clinics to provide pet owners with affordable animal treatment services; and (o) to examine the setting up of a mechanism for monitoring food products for pets and relevant labels, so as to safeguard the quality and safety of food products for pets" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Miriam LAU to Mr CHAN Hak-kan'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 Fred LI, as Ms Miriam LAU's amendment has been passed, you may now move your revised amendment. You may speak for up to three minutes to explain the revised terms in the amendment.

MR FRED LI (in Cantonese): President, I move that Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU be further amended by my revised amendment. I do not need to speak. All the points which I wish to say are basically included in my original amendment.

Mr Fred LI moved the following further amendment to the motion as amended by Ms Miriam LAU: (Translation)

"To add "; (p) to establish a licensing system for professional breeders to ensure that commercial breeders have adequate breeding knowledge and ethical standards; (q) to permit eligible members of the public to directly adopt animals; and (r) to explore the provision of subsidy to recognized animal adoption organizations, so that they can have sufficient resources for keeping abandoned animals, thereby reducing the number of animals eventually euthanized" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Fred LI's amendment to Mr CHAN Hak-kan's motion as amended by Ms Miriam 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 amendment passed.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, as the amendments by Ms Miriam LAU and Mr Fred LI have been passed, you may now move your revised amendment. You may speak for up to three minutes to explain the revised terms in the amendment.

MR WONG KWOK-HING (in Cantonese): President, I move that Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU and Mr Fred LI be further amended by my revised amendment.

President, I have made myself clear in the wordings of my amendment and in my speech. I hope I can hear good news from the Secretary later and I urge for Members' support of my amendment.

Mr WONG Kwok-hing moved the following further amendment to the motion as amended by Ms Miriam LAU and Mr Fred LI: (Translation)

"To add "; (s) by making reference to and studying the successful experience of foreign places in protecting and conserving endangered wild animals, to adopt positive environmental conservation measures to salvage endangered wild animals in Hong Kong, such as Romer's tree frogs, black-faced spoonbills, common birdwings, Chinese grassbirds, Hong Kong newts, Chinese white dolphins and horseshoe crabs, so as to protect the precious ecological resources of Hong Kong; and (t) to join hands with the relevant District Councils, rural committees and conservation organizations to expeditiously explore various proper arrangements and measures on handling the miserable stray cattle in Hong Kong that are left to live or perish on their own, to provide support by allocating appropriate resources, and to tackle the relevant issues as early as possible through the following measures: (i) to actively and expeditiously explore the identification of suitable sites for stray cattle in Hong Kong, so as to enable them to live in a safe and natural environment without having to wander around any more, while at the same time ensure the maximum safety of both human beings and cattle in their co-existence; besides, to actively explore the development of the above-mentioned sites as green eco-tourism projects; (ii) to allocate resources for neutering the stray cattle in the New Territories, so as to avoid the incessant breeding of stray cattle; and (iii) to actively study the introduction of effective measures, including providing additional resources to support those volunteers and non-profit-making voluntary organizations which are keen on adopting stray cattle in Hong Kong, so that they can have sufficient means to provide the stray cattle adopted by them with basic nutrition and attention" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr WONG Kwok-hing's amendment to Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU and Mr Fred LI 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): Dr PAN Pey-chyou, as the amendments by Ms Miriam LAU, Mr Fred LI and Mr WONG Kwok-hing have been passed, you may now move your revised amendment. You may speak for up to three minutes to explain the revised terms in the amendment.

DR PAN PEY-CHYOU (in Cantonese): President, I move that Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI and Mr WONG Kwok-hing be further amended by my revised amendment.

I wish to point out that, given that the amendments moved by the previous few Members have been passed, I will not retain the amendments made to points (g) and (h) of my original amendment, and will only retain the proposals made in points (a) and (n) of my original amendment.

I so submit.

Dr PAN Pey-chyou moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr Fred LI and Mr WONG Kwok-hing: (Translation)

"To add "; (u) to review and amend the policy on managing wild animals, so as to provide them with reasonable and safe room for survival, and at the same time protect the public from being disturbed or hurt; and (v) to co-operate with neighbouring regions, and step up the studies on and the monitoring of zoonotic diseases, in particular those transmittable to human beings, thereby protecting the health of animals while enhancing epidemic prevention" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr PAN Pey-chyou's amendment to Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI and Mr WONG Kwok-hing 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 Alan LEONG, as the amendments moved by the previous four Members have been passed, you may now move your revised amendment.

MR ALAN LEONG (in Cantonese): President, I move that Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing and Dr PAN Pey-chyou be further amended by my revised amendment. President, I have nothing to add.

Mr Alan LEONG moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing and Dr PAN Pey-chyou: (Translation)

"To add "; (w) to empower the court to issue orders forbidding repeated offenders or convicted persons involved in the Prevention of Cruelty to

Animals Ordinance and serious cases from keeping animals; (x) to set up animal shelters and adoption centres under the Agriculture, Fisheries and Conservation Department, so as to reduce the need for euthanizing animals; (y) to examine, on humanitarian grounds, the enactment of legislation on prohibiting the breeding and importation of animal species suffering from genetic diseases that cause them pain, such as Scottish Folds suffering from osteochondrodysplasia; (z) to foster co-operation among the Agriculture, Fisheries and Conservation Department, the Lands Department, the Housing Department and other relevant government departments, so that when clearing villages, they will pay attention to the fact that residents therein normally keep a number of animals, and hence they should make a detailed record of all animals in the villages concerned before clearance, and strive to make timely and appropriate arrangements for animals that cannot follow their owners upon moving homes; and (aa) to examine the practice of allowing animal owners who are adequately equipped to board public transport with their animals" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Alan LEONG's amendment to Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing and Dr PAN Pey-chyou 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): Ms Cyd HO, as the amendments moved by the previous five Members have been passed, you may now move your revised amendment.

MS CYD HO (in Cantonese): President, I move that Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing, Dr PAN Pey-chyou and Mr Alan LEONG be further amended by my revised amendment.

President, all beings are equal in that they all have to wander through the endless rounds of birth, death and rebirth into different realms of life. It is the compassion of Members that has brought up the number of proposals stated in this motion from 12 to 29. I hope Members will continue to support and vote for the motion as amended and to be amended by the six Members. Thank you, President.

Ms Cyd HO moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing and Dr PAN Pey-chyou and Mr Alan LEONG: (Translation)

"To add "; (ab) to advocate the responsibilities of keepers and owners, and ensure that both wild and domesticated animals can receive humane treatment; and (ac) to review the policy on the keeping of animals by public housing tenants" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Ms Cyd HO's amendment to Mr CHAN Hak-kan's motion as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing, Dr PAN Pey-chyou and Mr Alan LEONG 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 CHAN Hak-kan, you may now reply and you have 40 seconds.

MR CHAN HAK-KAN (in Cantonese): President, Mr Alan LEONG just now quoted a saying from the Indian Mahatma Gandhi, I also wish to quote a saying from Gandhi as my conclusion. Gandhi said that the more helpless the animals are, the greater the responsibility that human beings have to protect them against cruelty inflicted by human beings.

I urge Members to support my proposal of formulating an animal-friendly policy and I hope the Government will expeditiously implement all proposals in the amendments.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr CHAN Hak-kan, as amended by Ms Miriam LAU, Mr Fred LI, Mr WONG Kwok-hing, Dr PAN Pey-chyou, Mr Alan LEONG and Ms Cyd 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.

(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.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 10 November 2010.

Adjourned accordingly at twenty-eight minutes to Eight o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Education to Ms Starry LEE's supplementary question to Question 1**

As regards the guidelines issued by the Education Bureau to schools on organizing paid activities, under Part IX of the Education Regulations (that is, regulations 60 to 67), prior approval shall be obtained from the Permanent Secretary for Education (PS(Ed)) by a school for collecting school fees. The PS(Ed) shall issue to the school concerned a certificate specifying the approved fees and other particulars. Unless otherwise permitted by the PS(Ed), school fees shall be calculated on an equal monthly basis. Formal receipts shall also be issued by the school to students. Private schools charging any other fees, such as entrance examination fees, pupil registration and withdrawal fees, shall likewise obtain prior approval from the PS(Ed).

Moreover, the Education Bureau has also provided schools with guidelines on the sale of school items and the provision of paid services to students. The fundamental principles are as follows: there should be no compulsory purchase of school items or acceptance of paid services; schools should not solicit or accept donations or advantages in any form from trading operators/suppliers; schools should consider accepting donations or advantages from trading operators/suppliers only in very exceptional circumstances with compelling justifications and prior approval from school management committees (SMCs)/incorporated management committees (IMCs); and in any case, schools should not allow the choice of trading operators/suppliers/publishers to be in any way influenced by a donation or any other form of advantages. Schools must keep proper books of accounts reflecting all sales and purchases of school items and the provision of paid services to students. For details, please refer to the following Education Bureau circulars:

- (1) Education Bureau Circular No. 24/2008 on Trading Operations in Schools at the following website:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/EDBC/EDBC08024E.pdf>>

WRITTEN ANSWER — *Continued*

- (2) Education Bureau Circular No. 17/2003 on Guidelines on Sale of School Items and Provision of Paid Services in Private Schools at the following website:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/EMBC/EMBC03017E.PDF>>

- (3) Education Bureau Circular No. 18/2000 on Rules on Selling School Items or Providing Paid Services by Kindergartens at the following website:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/ADMC/AD00018E.PDF>>

For fund-raising activities, schools are also required to comply with regulation 66 of the Education Regulations by obtaining prior approval from the PS(Ed). For the purpose of the above regulation, the PS(Ed) has given schools the permission to raise funds for approved charitable institutions or trusts exempt from tax under section 88 of the Inland Revenue Ordinance as well as for their own school needs. In addition, according to the relevant guidelines issued by the Education Bureau, schools are required to ensure that in conducting fund-raising activities, participation of students in the activities and their donations to the organizations concerned are on an entirely free and voluntary basis. In communicating with parents, the intended purposes of the activities should also be explicitly specified. There should be no suggestion of any particular amount either. For details, please refer to the website of the Education Bureau:

<http://www.edb.gov.hk/FileManager/EN/content_7098/guidelinfundraising_e.pdf>

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Education to Mr Paul CHAN's supplementary question to Question 1**

As regards guidelines on declaration of interests and avoidance of conflicts of interests, the Education Bureau has issued clear guidelines to remind the school management of the general principles and governing rules on dealing with school administration, procurement and matters involving the acceptance of advantages and donations by schools and their staff. According to the Education Bureau Circular No. 14/2003 on Acceptance of Advantages and Donations by Schools and their Staff, school management committees (SMCs) should formulate policies to require schools and their staff to handle internal and external school businesses in an open, fair, transparent and competitive manner, particularly those concerning nominations and selections and choice of goods/services provided by suppliers/contractors. The SMCs should also require their members and school staff to report any situation where they or their immediate family members or personal friends have an interest, financial or otherwise, in any matter under consideration by their schools or in any company or organization which has or likely to have business dealings with their schools. On receipt of any disclosure of interests, the SMCs should consider whether the SMC member or school staff member concerned should be withdrawn from further consideration of or participation in the matter of which the conflict arises. For details, please refer to the Education Bureau Circular No. 14/2003 as the following website:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/EMBC/EMBC03014E.PDF>>

Any allegation or suspicion of corruption in a school should be referred immediately to the Operations Department of the Independent Commission Against Corruption (ICAC), whereas complaints about inefficiency or poor management of a school should be referred to the Education Bureau.

Moreover, the Education Bureau has provided schools with guidelines on the fundamental principles on trading operations for their compliance. For details, please refer to the Education Bureau Circular No. 24/2008 on Trading Operations in Schools and the Education Bureau Circular No. 17/2003 on

WRITTEN ANSWER — *Continued*

Guidelines on Sale of School Items and Provision of Paid Services in Private Schools. The fundamental principles are as follows: there should be no compulsory purchase of school items or acceptance of paid services; schools should not solicit or accept donations or advantages in any form from trading operators/suppliers; schools should consider accepting donations or advantages from trading operators/suppliers only in very exceptional circumstances with compelling justifications and prior approval from SMCs/incorporated management committees (IMCs); and in any case, schools should not allow the choice of trading operators/suppliers/publishers to be in any way influenced by a donation or any other form of advantages. For details, please refer to the Education Bureau Circular Nos. 24/2008 and 17/2003 at the following websites:

- (1) Education Bureau Circular No. 24/2008:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/EDBC/EDBC08024E.pdf>>

- (2) Education Bureau Circular No. 17/2003:

<<http://www.edb.gov.hk/UtilityManager/circular/upload/EMBC/EMBC03017E.PDF>>

