

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 18 November 2010

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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 LAU KONG-WAH, J.P.

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

MEMBERS ABSENT:

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

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

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

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

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

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

PUBLIC OFFICER ATTENDING:

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

CLERKS IN ATTENDANCE:

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MEMBERS' MOTIONS**MOTION FOR THE ADJOURNMENT OF THE COUNCIL****Continuation of debate on motion which was moved on 17 November 2010**

PRESIDENT (in Cantonese): Good morning. Council shall now resume the meeting and continue with the debate on the motion for the adjournment of the Council. Does any Member wish to speak?

MS AUDREY EU (in Cantonese): President, while I was listening attentively to the speeches made by different colleagues in this Chamber yesterday, I was thinking about ZHAO Lianhai. Not because he was sentenced to a two-and-a-half years' imprisonment, but because not many Hong Kong people know what he is doing. Meanwhile, I am also thinking about ZHAO declaring his innocence, refusing to put on his prison uniform and going on a hunger strike. I guess he should have started going on a hunger strike which he had vowed to do. His family members also said that he is a very tough guy with perseverance, so he should have started the hunger strike. Yet, there is no way we can update his latest situation. Even his family members and lawyers are barred from seeing him. In Hong Kong, this is unimaginable. How can a person who has been sentenced to an imprisonment be barred from any visit from his family and lawyer? What is even worse, it is still not known if he can lodge an appeal before the appeal period expires, because even his lawyers are not allowed to visit him.

When I was listening to the speeches made by colleagues in this Chamber yesterday, I noticed a very clear distinction. President, not only has the pan-democratic camp spoken enthusiastically, they are also pretty consistent. All of them claimed that ZHAO Lianhai was innocent and they put the blame on the authoritative and corrupt regime. On the other hand, Members of the pro-establishment camp said that, even if ZHAO Lianhai had been wrong, he was merely acting out of impulse. He might have gone a bit too far, but he only did that for his son. After all, he is a good guy and consideration should be made to his family. These remarks are nothing but a mitigation plea. As a lawyer, I can distinguish the different nature of these two kinds of speeches. When a lawyer defends his client, he will simply say that his client is innocent as he has

done nothing wrong. He should not be found guilty. Once he is convicted, however, the lawyer will plead for leniency. Yesterday, Members from the pro-establishment camp, including WONG Kwok-kin, IP Kwok-him and Miriam LAU, all spoke along this line. President, many Hong Kong people think that we should not say too much as we are not familiar with the situation of the Mainland. However, if Members did pay attention to the speech made by Cyd HO yesterday, they should notice that she had clearly explained the verdict of ZHAO Lianhai's case. They should have a better understanding of the events and circumstances under which ZHAO Lianhai was convicted by the Mainland Court of "picking quarrels and provoking troubles", and was sentenced to a two-and-a-half years' imprisonment. Many Hong Kong people have asked what is meant by "picking quarrels and provoking troubles". They have no idea what kind of offence this is, thinking that it is a trumped-up offence which is unique to China. They think that there is no cause for fear because it would not happen in Hong Kong. And yet, I want to tell Members that similar legislation has been enacted in Hong Kong and the Summary Offences Ordinance (the Ordinance) is an example. According to the Ordinance, a person should not commit any indecent act in public places causing social disorder. Similar provisions can be found in many other ordinances. Think about the case of LIU Xiaobo, Members may find it ridiculous to imprison someone, who has merely uploaded some articles to the Internet, for 11 years. I wish to tell Members that similar laws can also be found in overseas countries. A person may be arrested or imprisoned for uploading onto the Internet information which the Government considers undesirable and would arouse public fear. There are overseas precedents. Hence, laws are merely words written on pieces of paper. "A tyranny bothers not apply the law, it takes away lives like plucking grass". If laws are not properly exercised, they can be used to suppress people. What guarantee do Hong Kong people have that cases similar to that of ZHAO Lianhai or LIU Xiaobo will not happen in Hong Kong?

In fact, I have thought about this question before speaking on this motion. I ask myself, being a Legislative Council Member, can I propose a resolution and then stand up and say "Your Honour, you have made a mistake. Please release this guy." I have to think about this question, because it will, to a certain extent, contravene the Basic Law and interfere with judicial independence. Then, why are we able to speak on this motion here today, discuss the Mainland system and demand the release of LIU Xiaobo? Is river water intruding into well water? Are we doing what we should not be doing? Are we interfering with the judicial

system of the Mainland? As a matter of fact, similar examples are numerous in this world. Whenever there are prisoners of conscience or political prisoners, people will request the local government to stop the despotic rule and release the dissidents. AUNG SAN Suu Kyi, who has just been released, is a very good example. I cannot remember how many times we have been to the Consulate of the Burmese military government at Sun Hung Kai Centre in Hong Kong to submit our petition. I have really forgotten how many times we have been there.

President, I just want to highlight a very important question: Why do we Hong Kong people have to debate on ZHAO Lianhai's case? Why must Hong Kong citizens be aware of the existence of two distinct attitudes? Why do we insist that it is the fault of the system but not ZHAO Lianhai? What makes us think that we should not plead for him? I think I can say one thing on behalf of ZHAO Lianhai, and that is, he does not need our sympathy or plea as he has done nothing wrong. He is not asking for forgiveness, as this is tantamount to admitting that it is his fault to exaggerate the case, or he has gone too far. Why does he refuse to put on the prison uniform and go on a hunger strike? He wants to tell us that he has done nothing wrong and what he has done is right. He wants to say that he will hold on for a better future despite his life will be in danger and he cannot stay with his beloved ones.

The question is not how many thousands of petitions we have written to plead for leniency for ZHAO Lianhai; rather we should find out what is right and wrong. We must understand why Hong Kong people can debate on this issue, and why some people said there is no cause for concern about the possibility of having such cases in Hong Kong. I wish to ask, is it because there are good judges in Hong Kong? Judges are nonetheless appointed and paid by the Government of Hong Kong. Is it because Hong Kong has sound laws? Just as I said earlier on, laws are merely words written on pieces of paper. Yesterday, Dr Margaret NG also said that even the Food and Environmental Hygiene Department has seized the Goddess of Democracy statute by invoking the laws of Hong Kong. It has even banned the display of similar items by invoking an ordinance concerning places of public entertainment. In this connection, any displays in future demonstrations will also be banned by invoking the same ordinance.

It is therefore not a matter of whether Hong Kong judges are especially kind, or the laws of Hong Kong are well written, the crux is the implementation

of "one country, two systems" in Hong Kong. What is the advantage of the system? Who is going to uphold it? Who will ensure that this system is operating as desired? There is, in fact, a strong need for Hong Kong people to reflect on these cases. In order to uphold the status of Hong Kong under the "two systems", we have to rely on ourselves.

President, I have been thinking about one thing all the time lately. In the Mainland, the kind of acts involved in ZHAO Lianhai's case is regarded as rights defense. In Hong Kong, we have been campaigning for democracy and universal suffrage, claiming that democracy has a good value and that is our entitled right. However, many people consider that this is something very remote. They may ask, is such a value controversial? They may even ask, is there be good and bad value? Can any person disagree with another person's value? To put it simply, they do not consider it an issue of personal concern. If you say we must pursue our rights, they may ask you to give up your rights and send it to someone else as a gift.

These people do not have the slightest idea of how urgent the issue is, nor do they consider it impending. However, if we revisit the cases of LIU Xiaobo, ZHAO Lianhai, TAN Zuoren and HUANG Qi, we will understand that we should not simply say that democracy has a good value, a good universal value and a good international value; we should not talk about the differences between the East and the West. We should not simply say that democracy is a right. On the contrary, we should learn from the Mainland and use the term "rights defense". This term sounds very pressing and can remind us that democracy is something that should be upheld and safeguarded, it should not be given up.

The reason for stressing the urgency is that, regardless of what regime we are talking about, we can see that there is a great disparity between state power and the general public in terms of their actual strength so long as they are considered separately. How can the general public safeguard their rights? Notwithstanding that the SAR Government has claimed to respect public views, the proposed construction of the Express Rail Link There are actually different means of transport going to Guangzhou, say, by ship, by train or by plane. There is downright no need to construct the Express Rail Link. However, the Government still finds all other means of transport inadequate and has therefore put aside \$66.9 billion to construct the speedier Express Rail Link. It runs through Tai Kok Tsui and a maintenance station will be built at Choi Yuen

Tsuen. The residents of Choi Yuen Tsuen, who have been farming there for more than a decade, are thus forced to move out.

Although compensation has been made by the Government, they are only provided to the landlords. Compensations to farmers have been subject to repeated delays, and the proposed amounts are very little. The Government will only compensate, once and for all, \$4 for every \$100 worth of crops.

President, the point is, we should not think that these cases only happen in the Mainland and therefore do not bother us at all. On the contrary, we have personal experience in this respect. What kind of protection does the public have when a nation, the state power or the government introduces certain policies? How can they defend their rights? How can they defend their homes?

Recently, the Complaints Division of the Legislative Council has received a lot of complaints about the compulsory land sale law. The complainants alleged that someone placed rats and cockroaches in their homes, and even cut their electricity wires. Every day on their way home, they can see a big wooden plate which reads, "Your building has been acquired" in red. The purpose of which is to force them to move out. These residents always live under fear and suppression.

It can therefore be seen that such cases are not unique to the Mainland and will never happen in Hong Kong. For the Government, it certainly hopes that the laws enacted can be effective, that harmony is fostered in the community and that people are under its control. However, if you are one of the victims, how can you safeguard your rights? How can you defend your rights? How can you protect your rights? Regardless whether one is protecting the rights of freedom of speech or the rights to protect his home, the only thing he can rely on is the system.

Where can we have a system? Why is the system of Hong Kong different from that of the Mainland? Our system is based on the principle of "one country, two systems", which is derived from the rule of law which Hong Kong has all along respected. And yet, this is not a guarantee and may not last forever. I hope that Hong Kong people will engage in self-reflection after

seeing these cases on television. If Hong Kong has to safeguard its longstanding lifestyle, freedom and human rights, there is an urgent need for us to develop a fair system as early as possible, so as to ensure that all public views are fairly treated. In this connection, a universal and equal election, say once every four or five years, will enable us to choose our legislature and government on a fair basis. The election system may determine the composition of the legislature and the government, which will then introduce policies on resources allocation. All these affect our daily life and personal safety.

Therefore, do not think that the case of ZHAO Lianhai is very remote. When you watch about his news on television, do not just worry about him and pray that he will be released as early as possible. It would be better for us to participate proactively by rising to defend our rights when there is injustice, and to fight for a fair system through which public views can be expressed. Not just for us, but for our next generation as well. Thank you, President.

MR WONG SING-CHI (in Cantonese): President, I actually do not wish to speak in this adjournment debate because I really do not know where to start. The case has broken the hearts of many Hong Kong people. I believe not only Hong Kong people, but also a lot of people in China, and perhaps not only the adults of this generation, but also the young generation and children. I think this case has hurt them even more deeply.

President, I would like to quote a letter which my son wrote to Premier WEN Jiabao on his own initiative. I am going to read it out because he hopes that it can be an open letter.

"Dear Premier WEN,

How are you? I always see your amiable and kind face on television. Since you always treat the people of China as your own children, do allow me to call you 'Grandpa WEN', just like everyone else. 'Grandpa', how are you?

I am an 18-year-old young man from Hong Kong, and my name is WONG Man-hin (he is my son). Today, I write this letter to you because there is a thorn in my heart, and it hurts me so much.

Being a Chinese, I always wish to see my country become stronger and more advanced. And after I finish my studies, I also wish to contribute to the country, just like you, so that I can work for the advancement of the country and for a more stable livelihood of the people. However, recently I have seen uncivilized and injustice cases, as well as perverse acts in the country these days. How can I not feel worried about the future of my country?

'Grandpa WEN', do you know that in Beijing, among the people of China whom you like to describe as 'sons', someone called ZHAO Lianhai who campaigned for justice for your grandsons, who are sickened after drinking the tainted formula milk, was given a severe sentence by the Daxing District People's Court in Beijing for 'picking quarrels and provoking trouble' after a closed hearing? What crime do you think your son ZHAO Lianhai has committed? He merely campaigned for justice for his son and other children. He has not committed any crimes at all, he only sought justice from the court in accordance with the law by exercising the rights vested in him. However, it turned out that the 'plaintiff' has become the 'defendant', and 'an innocent law-abiding man' has become 'a criminal'. Such an unjust imprisonment has brought disgrace on China.

'Grandpa WEN', I am not familiar with the law of China, but this case can be likened to my making suggestions for improvements to teachers at school according to the school rules, but eventually I was given a big demerit point and even expelled from school. In this circumstance, can you tell me how young people of this generation should react? How can we voice our views on social justice and fairness?

Given that China is growing stronger and making progress, how can it tolerate officials who are unjust and uncivilized, as well as officials with corrupted mindsets. This will bring shame to China, and will also impede the progress of China.

I sincerely request 'Grandpa WEN' to instruct the Court in Beijing to conduct a fair and open trial according to law, release ZHAO Lianhai and look into the case of tainted formula milk, with a view to returning justice to the affected babies, and providing them with compensation and medical treatment.

My parents and I will always pray for you, hoping that God will give you the power and wisdom to govern the country.

Wishing you good health!

Your grandson in Hong Kong,

WONG Man-hin"

President, this letter was written by a young man on his own initiative. I know that my son once had a dispute with his teacher at school. As he is going to sit for the Higher Level Examination this year, he had suggested to his teacher that the school's mock examination, which is the final examination, be advanced to an earlier date, so that he could concentrate on the Higher Level Examination upon completion of the mock examination. However, the teacher refused on the ground that it would be very difficult to change the dates that have been printed on the school calendar. So, he initiated a signature campaign to call for a change in the dates of the internal examination. His teacher appreciated what he did and the dates of examination were slightly advanced in the end. Certainly, he has succeeded in his campaign on that occasion.

He feels very happy and starts to think that discussion really works. He finds that teachers do listen to the views that he has expressed in school. In his eyes, he always thinks that teachers are very authoritative and powerful. That is why he is afraid of expressing views, fearing that he will be punished. The truth is, however, teachers do listen to views. Therefore, he is now very active in campaigning for students' rights, and he is very willing to do something for the justice of society.

President, as evident in this letter, a young person has learnt from his daily experience that he can exert influence on things which he considers reasonable, just and worth doing. And, the result is good. Many young people in Hong Kong have, through different websites or other channels, express their willingness to voice their opinions on and campaign for matters relating to Hong Kong. From what we see, we feel that there is hope in our next generation.

Unfortunately, the case of ZHAO Lianhai has seriously upset the entire Chinese population, including Hong Kong people, be they fathers, sons, daughters or other family members. A person who merely campaigned for justice for his son and children having similar experiences has ended up in jail.

We always say that we are duty-bound to argue strongly on just grounds, it seems that we all accept this concept. Much to our regret, certain courts or people in our country do not seem to accept this concept. They have, on the contrary, stressed authoritarianism and injustice.

President, if our country continues to act this way, what implication will it have on young people, on parents who have worked so hard for their families, as well as on a group of Chinese people who have all along believed in the concepts of acting from a strong sense of duty and fighting hard for one's point of view?

President, I eagerly hope that we can really have an impartial and law-abiding Chinese Government which genuinely works hard for the Chinese people. Yet, regrettably, this is not what we see.

President, I hope that Premier WEN Jiabao and President HU Jintao can really listen to and look into the debate that is going on in the Legislative Council today. I would like to ask them to act in accordance with the law of China and do the right thing by immediately releasing ZHAO Lianhai.

Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): President, I had urged you to allow me to propose an adjournment debate on Mr LIU Xiaobo's award of the Nobel Prize while he was serving his sentence in prison, but you replied that the debate topic was not urgent. Today, of course, we are happy to have this debate, but it also reflects that people are really divided into nine classes.

Mr ZHAO Lianhai is just an ordinary citizen whose son is a victim of the tainted formula milk. His persistence in striving for his right has touched the hearts of many people, and the reason is crystal clear. Mr ZHAO Lianhai has never said much, for instance, that China needs to have a comprehensive

constitutional reform. That is why the President has granted permission for Members to conduct an adjournment debate in this Chamber to air grievances for him.

Mr LIU Xiaobo is different because he dares touch the tiger's bottom. Hence, Members are not allowed to do him justice in this Chamber through an adjournment debate, but by other means. We also see that in this Chamber

PRESIDENT (in Cantonese): Mr LEUNG, since you have mentioned in your earlier speech my ruling on the two adjournment motions, I therefore have to make some elaborations.

Before a ruling on the application for permission to move an adjournment motion is made, the President would refer to the requirements stated in Rule 16(2) of the Rules of Procedure.

Mr LEUNG, when you submitted the application to move an adjournment motion, I opined that the issue was no longer urgent and I therefore did not allow the relevant adjournment debate to be held on the specified date. Furthermore, you should also notice that a Member has moved a motion to discuss the case of Mr LIU Xiaobo at a meeting held later. So, this topic has actually been discussed in this Council.

The reason for giving permission to this adjournment motion is that, the date specified by Mr Frederick FUNG is indeed the last day of application for appeal of ZHAO Lianhai's case, which is the day after tomorrow. In the letter, Mr Frederick FUNG said that if the case could not be discussed at this meeting, the application period for appeal would have expired if the issue was discussed at the next meeting. There is a difference in effect. After considering the timing, I agree that this adjournment motion is urgent.

MR LEUNG KWOK-HUNG (in Cantonese): I get it.

PRESIDENT (in Cantonese): Mr LEUNG, please go on.

MR LEUNG KWOK-HUNG (in Cantonese): I just want to point out one thing to you, I do not intend to refute what you said. When I came here on a public light bus, I heard a radio report saying that the Nobel Prize would probably not be received by anyone. Ms LIU Xia is still missing. Do you consider it urgent or not when someone's human rights are being deprived of?

PRESIDENT (in Cantonese): Please go on with your speech on this motion. I have no intention to argue with you in this Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): Okay. I will approach you later.

PRESIDENT (in Cantonese): A ruling has already been made.

MR LEUNG KWOK-HUNG (in Cantonese): In fact, I intended to approach you yesterday.

PRESIDENT (in Cantonese): If you want to discuss this issue with me, I will be very happy to further explain the case after the meeting.

MR LEUNG KWOK-HUNG (in Cantonese): Okay. No problem.

The division of human being into nine classes is indeed a grading system, which enables some people to say, in this Chamber, that ZHAO Lianhai has probably acted on impulse and thus call for compassionate treatment. I consider this a humiliation to Mr ZHAO Lianhai. I have heard people saying that if ZHAO was sentenced to a one year imprisonment by the Daxing Court, his family would not lodge any appeal as he has already been detained for one year. Did anyone hear such goodwill and kindness of the general public? He was sentenced to two-and-a-half-years' imprisonment. This is the deficiency of not separating the Party from the Government and placing the Party above the law.

Mr WONG Sing-chi said that his son has written a letter to WEN Jiabao, I also have a letter to read out. This is "A Letter of Farewell to My Wife" written

by Mr LIN Juemin¹. I believe many people at the meeting have read it before as it was included previously in the school curriculum. "A Letter of Farewell to My Wife" is a letter written by Mr LIN Juemin to his wife on the night before he left for the Huanghuagang Uprising. In the letter, he expressed how much he loves his wife, but still he has to sacrifice himself: "I certainly wish to stick together with you until we die, but based on the current state of affairs, natural disasters can kill us, robbers and burglars can kill us, invaders dividing the country can kill us, corrupt officials abusing the people can kill us. Our generation lives in present day China where anytime and any place we may die. By then either let me helplessly watch you die, or let you helplessly watch me die, can I allow that?" The letter wrote about the corrupt Manchurian Qing dynasty at that time; "natural disasters can kill us", today the Wenchuan earthquake had killed 100 000 people, that is why natural disasters can kill us; "robbers and burglars can kill us", in view of the Mainland's law and order or the forced acquisition of land under the land enclosure movement, the people concerned are indeed state burglars, and that is why "robbers and burglars can kill". For "invaders dividing the country can kill us", is our state property not being divided? This explains why "invaders dividing the country can kill us". For "corrupt officials abusing the people can kill us", this is precisely what has happened to ZHAO Lianhai and the reason why "corrupt officials abusing the people can kill us". Why do I have to read out this letter? It has been almost a century since the Huanghuagang Uprising, but our country is still in the state of the Manchurian era where people can be killed at any time. Members, as Mr WONG Sing-chi's son can write to WEN Jiabao, I want to ask if ZHAO Lianhai's son can write to WEN Jiabao. Will the letter be able to get to him? I would say no. I wish to go to Macao to present this "Best Political Actor" award to WEN Jiabao, whose best play is entitled Crocodile Tear. What is crocodile tear? Before eating, a crocodile will always shed a few drops of tears because of its tear gland. WEN Jiabao is the same. In his famous play Crocodile Tear, he often sheds tears whenever he visits a place devastated by some unfortunate disasters. President, listen. What does these seven "clings" signify? They signify the seven sins that he has committed.

Honourable Members, the Communist Party of China practices the privileged Party Committee System, which has been mentioned here by other people earlier on. Instead of begging the Government, it is better for us to beg

¹ <http://hi.baidu.com/lilywhite_lily/blog/item/0ff97c2af4999b91023bf6e9.html>

the Communist Party of China. All public institutions have party committees. Yesterday, Dr Margaret NG highlighted the independence of courts, which is nonetheless meaningless. This is because under the concept of "Public Security Bureau-Procuratorate-Court", everything is guided by the Committee of Political and Legislative Affairs. The Party will decide who to arrest, on what charges and the sentence terms. All decisions rest with the Party. Under this system, the Courts must obey the Procuratorate, which will in turn listen to the Public Security Bureau. The Public Security Bureau, on the other hand, has to abide by the Party's decision. In the Communist Party, it is natural for party cadres to listen to the Central Committee, which must be obedient to the Political Bureau. The Political Bureau will in turn listen to the Standing Committee of the Political Bureau, which is obedient to only one person — the ultimate leader. This is indeed the crux of the issue.

Let us see how the Communist Party looked at the rule of law before it rose to power. While many people told us not to interfere with the rule of law of the Mainland, I hope that Members will listen to what the Communist Party said before it rose to power. I am going to read out an article of the *Xinhua Daily* (the official mouthpiece of the Communist Party) written in 1944: "There is a general misunderstanding regarding the rule of law, thinking that the ultimate goal of the rule of law is to make people obey the law. In fact, the difference between the rule of law and its opposite (rule by man) does not lie in the existence of law, or whether or not people obey the law. The actual difference lies in whether or not the so-called law is originated from the general will in democracy? Does this so-called 'obey the law' imply that law-enforcement agencies must also abide by certain laws? The ultimate goal of the rule of law does not lie in whether or not people obey the law, but whether the behaviour of the law-enforcement agencies complies with the law. Hence, the true meaning of the rule of law does not lie in whether people have laws to 'obey', but whether government officials 'rule' by the law. Then, what can be regarded as the genuine rule of law? If we look from the general perspective of politics, there are at least the following few points: First, the so-called law under the rule-of-law state must ultimately be developed on the basis of people's general will. The rule of law should therefore contain democracy. It would be meaningless to obey the law if the ultimate decisions rest with an individual or a minority of people. Secondly, the last but most important point is, under the rule of law, no legal public and private acts should be subject to any change if it is not made in accordance with the law. This is because the minimal requirement of rule of law

is the establishment of a legitimate social order. And, the establishment of a legitimate social order would depend entirely on the legal safeguards provided for all legitimate acts." (End of quote) This is the undertaking made by the Communist Party to the people of China before it rose to power.

According to the Constitution, ZHAO Lianhai has the rights to petition, to assemble in public places and to monitor the Government. However, none is available now. The Government has overridden the Constitution and deprived its citizens of the rights vested in them under the Constitution and other civil laws. The Communist Party is always like this when it solicits our support. How old is it? It is now 60 years old, President, of similar age as you. The experience of Mr ZHAO Lianhai is synonymous with Mr LIU Xiaobo. The reason why Mr LIU has to be jailed for 11 years can be found in a certain part of the simplest argument which I have just read out, and that is Charter 08. President, do you think this is fair?

Honourable Members, what the Communist Party has promised before it rose to power has gone. What did the Communist Party say then? How about the Russian Communist Party? When a Russian revolutionist, Pavel of the novel *Mother* was being tried, he told the Russian judge: "We stand against the society whose interests you are ordered to protect, we are the sworn enemies of this society, we are your irreconcilable enemies. Your master has sacrificed the lives of millions of people, the properties that was left behind as well as the power that enable you to govern us have stirred up discord among you, destroying us physically and mentally. Though you are our ruler, in reality, you are greater slaves than us — you are enslaved mentally, we only physically. You cannot break away from the shackles of your prejudices and habits, you cannot free yourself from the pressure that strangles you spiritually; yet, nothing hinders us from being inwardly free. The poisons with which you poison us are weaker than the antidote you unwittingly administer to our consciences." This is what Pavel said in the Russian Court in defense.

I am very surprised to see how well the content of this novel, which was written in 1905, fits into the present China. Honourable Members, there is only one explanation, and that is, one-party dictatorship is an abyss of total darkness. Here, I would like to pay my due respect to Mr LIU Xiaobo, even though I may not totally agree with what he said. My respect also goes to Mr ZHAO Lianhai.

Now, I am going to openly express my anger. WEN Jiabao should drop his mask, and down with the one-party dictatorship. This trophy should also be torn. Thank you, President.

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

MR ALBERT CHAN (in Cantonese): President, a number of Members have made sharp and acrimonious comments on the situation of ZHAO Lianhai, how China suppressed the dissidents, how people's basic rights are deprived of and how hypocritical the Communist Party is. In order to return justice to ZHAO Lianhai, I will read out the main content of the self-defense statement submitted by ZHAO to the Court in this Chamber, which is the only place in China that enjoys the freedom of speech and has verbatim records. I will also read out the full text of the unreasonable allegations and ridiculous conclusion of the Beijing Municipal Daxing District People's Court. This will be a historical record for our children and people to recapture such ridiculous prosecution and historical facts.

President, the original text of the verdict delivered by the Beijing Municipal Daxing District People's Court on the case of ZHAO Lianhai is as follows: "Defendant, ZHAO Lianhai, male, born on 21 May 1972, Han ethnicity, born in Beijing City college education, jobless detained on 13 November 2009 for picking quarrels and provoking trouble and put under criminal detention on the same day, then arrested on 17 December 2009 and is now detained in the Detention Centre of Beijing Municipal Daxing District."

Some of the allegations are as follows: The Beijing Municipal Daxing District People's Procuratorate alleges that: "Between September 2008 and September 2009, defendant ZHAO Lianhai made use of hot issues in society to incite and gather people in public places of the city of Shijiazhuang in Hebei province, Beijing Municipal Daxing District and the Fengtai District. They shouted slogans and staged illegal gatherings, which had seriously disrupted social order in these areas."

"On 4 August 2009, defendant ZHAO Lianhai had also used hot issues in society to incite and gather many people at the east gate of the Beijing Municipal

Public Security Bureau to provoke troubles on the pretext of reporting a case, hence seriously disrupting social order in such place."

"In the light of the above allegations, the Procuratorate has provided a statement and self-explanatory note of the defendant, testimonies from witnesses and written evidences. The Procuratorate considers that defendant ZHAO Lianhai has incited and gathered many people to provoke troubles in public places, thus seriously disrupting public order and violating Article 293(4) of the Criminal Law of the People's Republic of China. He should therefore be held criminally liable for picking quarrels and provoking trouble. The Procuratorate handed the case over to this Court for judgment according to the law. "

President, this is part of the criminal verdict concerning the allegations. I wish to point out two points which are pretty ridiculous. The first point is the accusation that ZHAO Lianhai had "used hot issues in society", that is, the tainted formula milk incident. The second point is the accusation that ZHAO Lianhai's acts have seriously disrupted social order in different places, one of which is next to the Public Security Bureau. If a man who is completely unarmed can cause disruption to the Public Security Bureau under the administration of the Communist Party of the People's Republic of China, it either proves that the public security officers are "incapable" or the allegation is completely groundless and absurd. Can you imagine how a Chinese resident or an ordinary citizen can cause disruption in a place next to the Public Security Bureau? Is this not an absurd description?

After listening to the evidence provided by the two parties, the Judge made the following judgment: "This court believes that defendant ZHAO Lianhai has ignored the law, and assembled many people in public places to incite disorder, which seriously disrupted public order. His behaviour constituted the offence of picking quarrels and provoking trouble and should be punished. The fact submitted by the Beijing Municipal Daxing District People's Procuratorate in claiming that defendant ZHAO Lianhai committed the offence of picking quarrels and provoking trouble was clear, and the evidence was substantiated and sufficient. He is therefore guilty of the crime for which he has been charged. The testimony and not-guilty plea presented by defendant ZHAO Lianhai and his defense counsels against the charge of picking quarrels and provoking trouble have no grounds and do not comply with the facts that this court has established through its examination. Therefore, this court considers that the pleas and

defense statement presented by ZHAO Lianhai and his defense counsels are not established and cannot be accepted. According to the facts and nature of the crime committed by defendant ZHAO Lianhai, the circumstances and the harm that has been done to society, this court makes the following verdict in accordance with Article 293(4), 61 and 64 of the Criminal Law of the People's Republic of China: First, defendant ZHAO Lianhai, for the crime of picking quarrels and provoking trouble, is sentenced to prison for two-and-a-half years." The second point concerned with the confiscation of materials.

President, let us hear how ZHAO Lianhai defend for himself. Since his testimony and not-guilty plea is pretty long, I will skip the background information. The title of his plea is "My not-guilty plea (statement)". After providing some background information, he has made a very long statement. President, I must read out the full text of his statement for our record.

"As a father of a kidney stone baby and a member of society, I strongly believe that what I have done since the outbreak of the melamine incident have not contravened the law. On the contrary, I feel proud of the efforts that I have made. I have exerted my best efforts to do what I am obliged to do, and I also hope that all my hard work and efforts will help promote social improvements. Furthermore, I strongly believe that what I have done have lived up to my conscience and this generation. I think what I did was right. I would, however, regard myself a sinner if I had not done these things. Had I not done these things, I would have betrayed my conscience and soul, and had let the present and future generations down. We must try our best to make our thoughts and behaviour nobler and consolidate the correct beliefs that we hold, with a view to bringing positive impact on social progress. In this era, we are obliged to uphold the right thing and minimize human errors. As a member of society, we have an unshirkable responsibility and even the mission to create a more moral, just, equitable and better social environment for our future generations."

"I have lost my freedom for defending rights and assisting other people to report to the police, and I am accused of a trumped-up offence. Here, I hope that all such harms and grievances will soon come to an end, and such confusion of right and wrong will not happen again."

"Here, I have to say: If it is a crime to defend our rights, this will definitely encourage profiteering and unscrupulous merchants to continue reaping profits at the expense of others. How twisted this already sick society will become."

"Here, I also have to say: If it is a crime to report and expose crimes, this will stifle righteous act and encourage more unscrupulous criminals to go unchecked. If this is the case, all of us will be placed in a dangerous society where justice and courage will gradually be eroded. I presume this is the last thing which a man with conscience and virtue would want to see."

"Today, I have been forcibly detained and have lost my freedom due to some false allegations. I can only pray that the presumably fair and just law will return justice to me. Here, I also sincerely hope that the relevant government departments will look squarely at the mistakes which they have made to avoid recurrences."

"I firmly believe that justice and truth will shine in every corner of our country. What I can do now is to hang on persistently, not for any special cause, but for peace of my own conscience and soul, as well as for a quality society where our children will live; and, more importantly, for our nation, so that our country can continue to exist in this world in good health."

"I firmly believe that what I have done has not contravened the law. I also hope that those in power will have a noble character and moral excellence, and think about the kids sickened by the melamine-tainted formula milk, so that they can, by adhering to the principle of punishing evil and rewarding good, make decisions that are worthy of this country, worthy of the conscience and soul, and worthy of the future generations. In this way, our life will be worthy in this world and in this country."

"Finally, I would like to reiterate that I have not committed the crimes as laid down in the indictment. I firmly believe that what I have done are the obligations of a citizen. I firmly believe that what I have done are civilized and not wrongful. I also pray that my efforts will contribute to the progress of our society."

"In order to maintain the virtues of honesty and conscience in our life and soul, we must firmly uphold our beliefs and norms, or else our honest soul will be

shaken, thus bringing negative implications on our future generations. If this is the case, we will become sinners."

"Summing up the abovementioned facts, I strongly believe that I am innocent!"

President, this is the "My not-guilty plea (statement)" submitted by ZHAO Lianhai to the Court in March 2010. According to the criminal verdict, ZHAO Lianhai was accused of using hot issues in society, that is, the melamine-tainted formula milk issue. If it is crime for anyone to report a case on his own, or with other people, or assist another person to report a case on the resumption of land, corruption or malpractices of the authorities, then all 1.3 billion people in China are criminals. As we can see, the allegations are groundless and the judgment is absurd.

Unlike the case of LIU Xiaobo, many Hong Kong deputies to the National People's Congress (NPC), Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and pro-Beijing political parties have spoken for ZHAO Lianhai. I eagerly hope that the same will happen to LIU Xiaobo. I learnt that the NPC and CPPCC dare to voice opposition because ZHAO Lianhai's case only involved the decision of a district government and the trial was neither authorized nor instructed by the Central Government. As this is only a decision of a district government, both the NPC and CPPCC are bold to speak against or criticize the decision. For the case of LIU Xiaobo, as it involves the decision of the Central Government, many people "chicken out" and continued to act obediently to the Central Authorities. This reflects their mentality of being lackeys. And yet, I am grateful to them for speaking on the case of ZHAO Lianhai, with a view to returning justice to him and the family members of the victims of tainted formula milk.

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

MR CHIM PUI-CHUNG (in Cantonese): President, we understand that China has implemented "one country, two systems" in Hong Kong because it is aware that Hong Kong people may not understand and accept the situation or other issues in China. Today's adjournment debate enables us to freely express our different viewpoints, so that the case can become more transparent.

First of all, concerning the prosecution instituted by the Chinese Government against ZHAO Lianhai, we must understand that without sufficient evidence, I strongly believe the Chinese Government will not prosecute against him. So long as a prosecution is instituted, there will be two different results: either guilty or not guilty. This is similar to the case of Hong Kong. Members query whether there is anything wrong with this administrative act of the Government? Regarding this government act, I strongly believe no one should discuss the acts of any other government. This is because there are more than 200 countries in this world, and they all have different political and legal acts.

Our second query is about the judgment of the Court. We do not quite understand the sentence handed down by the Court to imprison ZHAO Lianhai for two-and-a-half years. Perhaps there is a difference between China and Hong Kong. In Hong Kong, the period of custody may not necessarily be counted into the sentence period. There had been a case where a defendant was extradited from the United States to Hong Kong. He could have been released in court as he had completed his sentence term, but the presiding Judge highlighted one point, and that is, the sentence period should start from that point of time regardless how long he has been detained. It is natural for a court to have its own judgment. Now that Members consider the two-and-a-half-years' imprisonment handed down by the Chinese Court on ZHAO Lianhai too harsh or unreasonable. This is nonetheless a matter of legal judgment. President, I would like to share with Members the following judgments which have attracted queries and criticisms from society over the past years.

First, it is the case of Mr LI Fuk-siu of more than two decades ago. There were a total of eight defendants and Mr LI was sentenced to an imprisonment of three-odd years in the end. At that time, I had urged some Members of the then Legislative Council to plea for leniency. While most of them had signed the plea letter, some did not. I had asked them to do a favour by signing the plea letter, which is a similar request. Regardless of whether the matter is right or wrong, it is a plea for leniency after all. Can I accuse those Members who had not signed the plea letter as cold-blooded? This is the first case.

Second, it is the case of Nina KUNG. As the judgments delivered by the Court of First Instance, the Court of Appeal and the Court of Final Appeal were completely different, they had attracted much public voices and queries. However, did Members show any concern on this matter?

Third, it is a judgment relating to a relative of a judge whose family name is BOKHARY. Some Members even said, "This is a court judgment and no discussion is allowed, unless you want to challenge the judicial system." How come they find this Mainland judgment so wrong? Why do some people fail to see that they are also demons when they look at the mirror?

Fourth, it is the case of LAM Ping-cheung. The Court of Appeal had not only refused to commute his sentence, but even further increased the prison term by two years. Yet, the relevant ruling was unanimously thrown out by the Court of Final Appeal in the end. In this connection, have anyone queried the justice of our judicial system? Why is this case being considered separately?

Fifth, it is the case of YIP Kim-po. According to the Hong Kong Bill of Rights Ordinance (Cap. 383), no one shall be liable to be tried again for an offence for which he has already been convicted. A defendant who was acquitted by the High Court would definitely be sentenced to imprisonment by the District Court. The above cases had attracted public concern and queries. President, I have not stated who is right or wrong. The question is, why did Members not bring up these cases for discussion and examination, but have to direct criticisms at other cases? You may express disagreement, but you cannot say that other people are absolutely wrong.

President, there is one more case. A Judge had made two completely different judgments on the same case, which had led to outcries from the legal sector and members of the public. Did Members express concern on this matter? Perhaps they did, but follow-up actions were insufficient. In addition, there is a case of contempt of court. I guess many colleagues have received such a complaint recently, where a Judge was being severely criticized in court by someone who has great interest in law. Obviously, this is incorrect. And yet, the Judge had not issued any warning to him at that time, but penalized him afterwards by sending him to jail. How can the laws of Hong Kong be so presumptuous and audacious?

What is more, insofar as the High Court and District Court in Hong Kong is concerned, there is a general view that the defendants of cases tried in District Court have a higher chance of being convicted because the Judges in District Court are very strict. Therefore, people will try to avoid being tried in District Court by all means. What is more, they would rather be tried and arbitrated by

Judges of the High Court, where higher sentences can be imposed. In that circumstance, may I ask Members from the legal sector, including Mr Paul TSE and many other senior counsels: Have you expressed concern about the balanced development of the laws of Hong Kong, so as to safeguard people's interests and free them from worries? You have, on the contrary, spent all the time criticizing the legal system of other country.

President, I am deeply sympathetic to Mr ZHAO Lianhai and I also agree to the arguments and points presented by him in court, which have just been read out by a Member. However, President, we must also understand that it was the forces and support of people that made it possible for the Communist Party to liberalize China. The Party is therefore highly sensitive to people's views and behaviour. This is evident in the case of Falun Gong and other incidents.

Certainly, in this world, challenging the ruling authority will only result in a tragic end; this rule not only applies in the Mainland, but also in Hong Kong. I am an example, but I will not go too deeply into the details or touch on other issues. Nonetheless, we must understand that anywhere in this world, people who are in power will not give it up so easily. We must also understand that China is not a well developed country, and it is already aware of this. If China is that powerful, it would have risen to point its fingers at others and told other countries what to do. Why is the world still under the influence of the United States?

President, just as I have said time and again in this Council, there is a world force targeting at China on all fronts, including human rights, economy, politics and other areas. Even the appreciation or devaluation of Renminbi is subject to the query and control of other countries. What kind of world is this? Why do our colleagues not express concern about these situations then?

President, we must understand that the cases of LIU Xiaobo and ZHAO Lianhai cannot be mingled together. While the case of LIU Xiaobo involves an international force controlling China's human rights, the case of ZHAO Lianhai reflects that the economy and social education, as well as the actual situation have run out of control. Why do I say so? Nowadays, many people in China have made a big fortune by taking advantage of some special conditions, and many people thus become jealous. The fact that making quick money will give rise to an unbalanced mentality, some people are therefore more prone to commit economic or other crimes, or act in contravention of the law. This is not

surprising as China is, after all, a big country. Having said that, the Chinese Government does have its way and method in handling the situation; otherwise, how can it rule the 1.3 billion people?

In view of the fact that an international force is targeting at China, Members may be seen as forerunners to attack China by other people, especially those from Hong Kong and different parts of the world. Why do we have to take such vigorous actions to condemn China while other parties still adopt a wait-and-see attitude?

President, I am not slandering my colleagues. After all, this is a matter related to politics and votes. Members may say that I should not impute other people's motives, make inferences or projections. However, justice lies in the people's heart.

President, my request is that before we reproach, attack or criticize other people; before you comment on the two points which I have just analysed, namely: first, whether the Chinese Government's executive allegation is right or wrong; second, whether the Court judgment is appropriate or not, we must first reflect on ourselves. In other words, before criticizing other people, we must first review whether our local judicial system is prefect or not, and only after that can we criticize others. If we turn a blind eye to our system and make no comments, yet we keep criticizing other people, will the other party feel comfortable? President, I just want to state the fact without making any demands. If we have politicians who have ulterior motives, and even manipulate the media to achieve certain secret motives or future goals, should the society stay calm and think deeply?

President, there is another issue which is of grave concern to me and is worthy of our consideration. Many people in this Council or even in the community have religious beliefs, Buddhism, Christianity, Catholicism or even Lamaism of Tibet. All religious beliefs nonetheless lead people to be kind and to face problems with an ease of mind. Forgiveness is best policy. And yet, I have heard and seen many people or colleagues using very evil words to criticize other people. They have not only compromised their integrity, but have also brought disgrace to their religious beliefs. The last thing that Hong Kong people would wish to see is people using their religious beliefs to justify the pursuit of their own goal, thereby destroying social harmony. Thank you, President.

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

MR PAUL TSE (in Cantonese): President, while some Members delivered very impassioned speeches in these two days, some just spoke their minds freely. Like this morning, from what I heard, Ms Audrey EU has delivered an impromptu speech, which means that she just said what came to her mind like talking, without a script. As for me, I seldom deliver very impassioned speech unless on very rare occasions. So, I will adopt a free chatting style in sharing with Members my feelings on this matter.

Just now, Mr CHIM Pui-chung asked why we did not first look critically at our judicial system before making comments on the judicial system across the border. In fact, technically speaking, two provisions of the Rules of Procedure have imposed limitations on us. One of them provides that we shall not comment on any case pending in a court of law or is being tried in court to avoid prejudicing that case. Another provision which might make Members shy from making comment or unwilling to do so provides that, no comment shall be made on the conduct of Judges or other persons performing judicial functions. This is why Members cannot express their views freely even if they notice that Judges have made mistakes in certain cases, have not worked hard enough or are totally unreasonable. We do appreciate this.

Just now Members have mentioned "one country, two systems", and Mr CHIM Pui-chung has also highlighted the importance of this system. I still remember clearly that Ms Audrey EU has said emotionally, "It seems that Hong Kong is now legally secured, but how long will this last? If we do not keep reminding ourselves to move forward and pursue democracy, can we still enjoy this judicial protection?" I believe the majority of Hong Kong people agree and share the same feeling, so do I.

When I make a rational analysis of the issue and keeping thinking it over, as Ms Audrey EU did, what answer do I get? President, concerning the principle of "one country, two systems", there must be some reasons, some underlying causes and factors contributing to its success so far. The so-called success owes much to the models that both sides have agreed to follow, which include mutual respect, mutual co-operation and mutual trust, especially when the issue is concerned with a country's sovereignty and legal matters. This is why

we do not wish to see Mainland scholars or particularly government officials criticizing the appropriateness of Hong Kong's court judgments or governance all the time. By the same token, since we acknowledge the principle of "one country, two systems", shall we behave in a more restrictive way to a certain extent, just like entering into a contract with another party? If the other party has stayed away from us, why do we have to provoke it all the time? Is it because the other party can truly tolerate whatever we do, we can thus accuse or shout at the other party recklessly at will without considering the consequences?

President, in view of my 52-year of life experience, as well as my career life, my past history and certain well-known acts in my adulthood, I guess some people may think that I am not a rule-abiding person who dare not speak out. Some people may even consider that I am like a runaway horse which never sticks to the rules, at least before I joined this Council. Frankly, I must confess that there were times when I had challenged the establishment without the slightest hesitation. That is why I immediately echoed Mr CHIM Pui-chung when he said challenging the authority would result in a tragic end. I had once attempted to challenge the authority of my profession, that is, The Law Society of Hong Kong. Did I have a tragic end? If a suspension of practice is tantamount to going to jail, I think I have been jailed — I have been jailed professional-wise. Like many human rights advocates, I maintain that I am not guilty. What I did at that time was to call for a reform of the legal profession by unveiling the hypocrisy of the legal sector, unveiling all its evil behaviour under the moral and ethical mask, and taking off the halo of the legal sector that were supposed to exist and exposing the dark sides of the sector which in fact we are well aware of.

I had used a photo which was considered by some people as inappropriate; but to me, the photo is a reflection of the hypocritical self-bestowed noble image. I have also tried to promote legal services to members of the public by means of advertisement. At first, the advertisement is only as big as a stamp, and there was no fanfare at all. Yet, the legal profession still considered that I have challenged the authority and have committed an unforgivable sin. Nowadays, Members can commonly find a full-page advertisement in newspaper. Originally, it was just a stamp-size advertisement to promote service, yet I was sentenced to imprisonment career-wise. Is this a tragic end? I do not know. I nonetheless remember that when I was young and even today, or at times when I was still pretty naïve, I often heard people wishing to have world peace. When

people are asked what kind of wish they would make on New Year days, they would always say peace of the world.

However, as I grow up, after gaining more knowledge and experience, as well as learning some hard lessons, I find that it would be very stupid to make such wish as peace of the world again. This is nothing but an unattainable ideal. Yesterday, Dr Margaret NG quoted a saying from AUNG SAN Suu Kyi, "Even if only one man loses his freedom of speech, we will all lose our freedom of speech." Dr NG changed it to become, "Even if only one man loses the protection under rule of law, all of us will lose the protection under rule of law." By the same token, if anyone is brutally treated, leaving him with no peace but the damage of war, will everyone else also suffer from the damage of war? It seems that world peace is a very remote ideal, but can it be realized? Every single day, and at this very minute when I am talking, the Courts in Hong Kong might be hearing cases in which the accused would be unjustly imprisoned. Some people might be so angry that they throw their shoes at the Judge, or some may get so angry that they throw whatever they have at hand and curse the system. I believe the pain that has been brought by the unjust conviction and the deep anger of the accused and their families are no different from those of the well-known human rights advocates whom we learnt of lately. On what grounds can we say that the pain suffered by these unknown people is less than that suffered by those whom we are strongly campaigning for their release? The pain of anyone who is aggrieved or subject to injustice is actually the same, except that some cases have attracted more attention and discussions, or have wider media coverage.

If one believes in God, then the pain suffered by all his children is the same in the eyes of God. How many of them can we help or rescue? I do not mean that we should not say something from our hearts at the right time. I am only adopting a more pragmatic way of thinking and saying. Whenever I see someone suffering from pain or being subject to injustice, I can only wish him peace in my heart. If there is anything that I can help as my capability, time and resources permit, I will continue to offer my assistance, and I will do so in future. But how many of them can I help? I think there would be tens of thousands of people whom I cannot help. As human beings, we can only wish that their pain can be minimized and they can have the blessings of their religious beliefs. Have we come to such a helpless and pessimistic state? No, certainly not. I think that the biggest gain of growing up is to know what to pursue and what we are not capable of.

When we were young, we had seen many Hong Kong people using their meager money to buy oil, canned food, cloth, clothes or used stuffs and send them to their relatives in the Mainland, where political struggles and natural disasters were frequent. The fact that they had used their hard-earned money to help their relatives has given full play to their sense of caring and testified the blood ties between the compatriots of the two places. Why would we have the luck to live so peacefully in Hong Kong while thousands of millions of compatriots in the Mainland are living in misery? Fortunately, these days have gone and the situation has completely changed. Many people now say that the situation has reversed. I am not going to elaborate on this because for time being, there is no need to relieve their material needs. However, I am afraid we still have to employ appropriate means to exert our influence on them to change them in respect of mental thinking and the sense of value. We need to help our relatives and friends in our vicinity or even the state power so that they can learn what is meant by progress. And yet, I am afraid this requires some techniques and practical approaches.

A friend has quoted a very good example. I wonder if Members have any enlightenment from this simple example. There is a couple who have overcome great difficulties to send their son to study abroad. Later, their son graduated and returned to Hong Kong as a professional. However, after studying abroad for so many years, he got used to western customs and values. For instance, he considers the use of knife and fork more hygienic, convenient and appropriate. Seeing his graduated son coming back to Hong Kong, his father is very happy. He thinks that it is fine for his son to continue using knife and fork according to the new experiences and values that he has learnt abroad. They can, after all, have their own style of eating. While his son uses knife and fork, he can use chopsticks. They may even use the serving chopsticks for hygiene purpose. However, their son considers that the civilized and advanced way of eating is to use knife and fork. He therefore forbids his father from using chopsticks and asks him to give up the use of chopsticks as early as possible. Otherwise, he will not dine with him. What is more, he keeps saying that chopsticks are unhygienic and chopsticks are bad.

President, being a Hong Kong citizen, especially one having legal background, I have handled many cases, including unjust cases, and there were times when we felt so unfair. Ms Audrey EU said that she believed the person concerned might not want our pleas, nor does he treasure our pleas. Yet, I must

point out, as lawyers having legal background, once the Court has made the verdict that someone is guilty, no matter how unhappy we are, even though we may opine that the Judge has made a mistake, or that the jury has been misled, or we believe that it is an unjust conviction, we have to cast our humiliation aside and plea for the defendant, we have to try by all means to beg the Judge to give him one more chance and minimize his penalty. Our client might feel aggrieved and keep shouting, or even say foul language, but we must calm him down at once. There is a mechanism, so we must first deal with the situation before considering the way forward, such as lodging an appeal. This is exactly what some colleagues are doing at the moment. I welcome and consider such an approach worthy of support. Nonetheless, we should also be aware of our limitations.

President, we can teach our children by way of beating or persuasion. Some colleagues may choose to beat their children time and again in the hope that they will become good, whereas some may choose to earnestly instruct their children by way of persuasion. Who is right and who is wrong? There is no definite answer and we have had both successful and unsuccessful precedents of beating and persuasion. I hope that Members will make reference to each other's approaches, instead of accusing others' approaches as cowardice. We are only using different approaches to teach our children, thinking that one way is more effective than the other. Members may think that the examples quoted by me today are pretty family styled. Sometimes, simple truths can be best examples. Thank you, President.

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

MR KAM NAI-WAI (in Cantonese): President, after listening to the views expressed by the previous two Members, I also wish to state some points. Today, the topic under discussion is to request an immediate release of Mr ZHAO Lianhai. This is a matter of conscience.

Here, I wish to share with Members an article of a column writer that I have read on the Internet these days. The title of the article is "Do you still have conscience?" He also mentioned a "conscience index test" under which four questions are set for readers to answer. The first question is: "Do you think

ZHAO Lianhai's pursuit of compensation for 'kidney stone babies' is picking quarrels and provoking trouble, and he should be sentenced to two-and-a-half-years' imprisonment?" If your answer is "Yes" (The latter part of the article has drawn a conclusion for the answer "he should be sentenced to two-and-a-half-years' imprisonment") The second question is: "Do you think the Chinese Communist regime's decision to imprison Nobel Peace Prize Laureate LIU Xiaobo is righteous and justified?" If your answer is "Yes", a conclusion will again be provided to you later on. The third question is: "Do you consider it rational that corrupt officials behind the tofu-dreg projects of Sichuan can get off scot-free while those rights defense lawyers are imprisoned due to their campaigning for justice?" If your answer is again "Yes", it means that all three answers are "Yes" The fourth question concerns Hong Kong: "Do you consider the discreet practice of Café de Coral to impose a salary reduction in disguise of a salary increment a normal business practice, and is therefore acceptable?" If your answer is again "Yes", that means you consider such business practice acceptable. If your answers to these four questions are "Yes", the column writer would tell you, "Congratulations, you have no conscience at all."

Regarding the unjust conviction of Mr ZHAO Lianhai, even if I put aside my status as a parent and consider the case from the angle of a general citizen who lives in a society with free flow of information, I still think that the imprisonment of Mr ZHAO by the Mainland authorities will arouse public outcry. As people of Hong Kong, we should stand forward to voice our stance and views.

Furthermore, I would like to respond to certain comments. I learnt from yesterday's news SMS that some Hong Kong deputies to the National People's Congress have advocated a "high-profile theory", the main theme is to urge people not to act in a high-profile manner, as this would be detrimental to Mr ZHAO. They therefore advised Members not to be so high-profile, and not to sign the joint petition. My respond is that this is a matter of conscience, and it has nothing to do with acting in a high-profile or low-profile manner. If we remain silent on these incidents, I think we have become one without a conscience, just as that column writer has said. If we still have conscience, we should stand forward and express our views. Acting in a high-profile or low-profile manner is not a matter of concern.

Another point I wish to respond to is the arguments of "one country, two systems" and "river water not intruding into well water" which some colleagues

mentioned earlier on. These arguments are often mentioned by Members in this Chamber when political issues of the Mainland are discussed in this Council. As a matter of fact, this issue is precisely concerned with the concept of "one country, two systems". Since Hong Kong is one of the two systems, so if we think the Mainland has done something not in compliance with not only non-compliant with the actual situation of Hong Kong they are against the universal values, and if Hong Kong people consider this situation inappropriate, we are obliged to express our views. What we had done was just to express our views and raise the issue for discussion in this Chamber, even so, we have been accused of river water intruding into well water.

At the last meeting, I also talked about whether these issues should be discussed in the Chamber of this Council. Members should be aware that once an issue is confirmed by the President of this Council as in compliance with the Rules of Procedure and can be discussed in this Chamber, Members should exercise their basic rights and participate in the discussion. Why are we not allowed to exercise such freedom of speech and have to refrain from having discussions? Is there anything wrong with this? How can we safeguard "one country, two systems"? This is the most important concern.

The third point that I wish to highlight is, just now a colleague said that we should not challenge any court judgment. Frankly, in Hong Kong, once a court sentence is handed down, the judgment should be respected. Just think, should Mr ZHAO Lianhai be tried in court? He should not be tried in court in the first place. He merely speaks out for his son and strives for his entitled rights, yet he has to face trial in court. And then, we are asked to respect the Court judgment. What is the rationale after all? He should not be tried in court in any circumstances as he is actually the victim. Is there any justice on earth? A victim was being sent to the Court, and after he was found guilty, people said that court judgment should not be challenged. Is this like putting the cart before the horse?

I therefore urge those who advocate the so-called "high-profile argument", the "one country, two systems argument" and "do not challenge the Court argument" to think carefully. Being a citizen of Hong Kong, being one who lives in a place which enjoys the freedom of speech, even if we do not make assessment by adopting the standard of Hong Kong as a ruler, as an ordinary citizen, we should basically have a ruler of our own, and that is our conscience. It is this basic ruler which drives us to step forward and tell the Beijing

Government and people in the Mainland what they did was wrong and would arouse public outcries, the outcome would be just the opposite to what one wished, and there would be even greater opposition from the Mainland people.

President, I have also read some press reports Just now, I saw some primary students coming to the Legislative Council I am talking about national education. I want to take this opportunity because I have read some news on how the case of ZHAO Lianhai can be used as a theme of national education. At present, the Government is promoting national education but not civic education. However, irrespective it is civic education or national education, this is a very good topic of Liberal Studies which can teach Hong Kong students a good lesson. Certainly, we do not wish to see taking wrongful and unjust cases as topics of Liberal Studies at school again in the future.

No matter what, this is a vivid example, although our nation has become very strong; even the Japanese Government has to immediately release the people related in the Diaoyutai Islands incident after Premier WEN Jiabao made an outcry similarly, when I saw Timothy FOK today, he reminded me of the Asian Games which was just held in Guangzhou our nation has become very strong, but if basic human rights are not respected Just now, I heard Members saying that the international environment is indeed very complicated, and that our country is always being attacked by different countries at the same time, exerting pressure on us on all fronts. If this perceptive is to be adopted, we need not express our views on any issues because people can always say that there are different international forces behind, attempting to subvert China.

We just want to say that the son of Mr ZHAO Lianhai has consumed tainted formula milk powder, which I believe is not produced by other countries. Therefore, in this case, I hope that Members will act according to your conscience, and just as stated in today's motion, urge the Beijing Government and the relevant Mainland authorities (it is the Court this time) to expeditiously release Mr ZHAO Lianhai. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, before I put the question on the motion for adjournment, I wish to remind Members that if the motion is passed, I shall adjourn the Council under Rule 16(3) of the Rules of Procedure. In such a case, this meeting cannot proceed.

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

(No hands raised)

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

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is not agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion negatived.

PRESIDENT (in Cantonese): Second motion: Territory-wide participation in building the West Kowloon Cultural District.

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

I now call upon Dr Priscilla LEUNG to speak and move the motion.

TERRITORY-WIDE PARTICIPATION IN BUILDING THE WEST KOWLOON CULTURAL DISTRICT

DR PRISCILLA LEUNG (in Cantonese): President, my team the Kowloon West New Dynamic and I have been talking about our dream of the West Kowloon Cultural District (WKCD) since two years ago. I have in my hand a

planning proposal on the WKCD entitled *Building a New West Kowloon*, which was submitted to Secretary TSANG Tak-sing in the year before last. Several important points were mentioned in our proposal, including our hope for accessibility to the WKCD and a boulevard so that residents of the inner district will be able to walk to the waterfront

(Mr CHIM Pui-chung stood up)

MR CHIM PUI-CHUNG (in Cantonese): President.

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

MR CHIM PUI-CHUNG (in Cantonese): I found that the Government official has not yet arrived. Of course, this is not a problem. But if there is a problem can we wait for a while? Can we wait for his arrival?

PRESIDENT (in Cantonese): Thank you for reminding me. The meeting is now suspended.

10.40 am

Meeting suspended.

10.49 am

Council then resumed.

SECRETARY FOR HOME AFFAIRS (in Cantonese): I must apologize to the Legislative Council and all Members.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you may continue.

DR PRISCILLA LEUNG (in Cantonese): President, my team the Kowloon West New Dynamic and I have been talking about our dream of building WKCD for two years now. Back then, 30 District Council Members, together with over 20 professional engineers and architects, had drawn up a planning proposal on the WKCD. As a matter of fact, this proposal in my hand was submitted to Secretary TSANG Tak-sing two years ago. I was speaking up to this point just now when we found that the Secretary has not yet arrived. I hope that the Secretary will, in making up for this, listen attentively to our proposal. It is our wish that he can help in implementing certain items of the proposal, thereby giving us a hand in delivering and accomplishing something.

At that time, we had mentioned that having accessibility is of utmost importance to the project. We hope that a boulevard can be built so as to give local residents a feeling of integrating the old and new areas; and the nearby waterfront can be linked up by a pontoon bridge and an overpass. Thus, President, today I am looking at the WKCD from the perspective of a resident in West Kowloon. Today, I am grateful that seven colleagues have proposed amendments to my motion, proving that the WKCD is a subject of great concern to many people.

People in Hong Kong, particularly residents of West Kowloon, will ask a question: "What has the WKCD got to do with me?" The WKCD should be for everyone, not just for residents of West Kowloon; and most of all, it should not just be a cultural district for people who have cars or who can afford buying tickets to enjoy the performances, or just a place for tourists only. If the majority of Hong Kong people are asking the question "What has the WKCD got to do with me", it will not be possible for the WKCD to become a cultural district for everyone.

President, the WKCD is the largest and most ambitious cultural development project since the inception of Hong Kong. The public has pinned high hope on the project. However, what should be done in order to make the WKCD a place for everyone but not just for a minority of people, not to mention being downgraded to a leased territory of culture? A leased territory of culture is a place where many Hong Kong people do not feel that it belongs to them, or

they find it difficult to get there, or they do not feel they have a share of the place. I think this is not what we wish to see.

Today, we have prepared a chart which represents four categories of people. During our visits to the districts, or when we conduct consultation on the WKCD project in schools, they often ask a question, "What has the WKCD got to do with me?" So what are these four categories of people?

The places I like to visit most are old districts such as Sham Shui Po. During my visit, an old woman told me she had not seen the sea for a long time. Sham Shui Po is a district with a high density of screen-like buildings. That is why many residents of the district hope that they will have the opportunity to catch a glimpse of the sea. The WKCD project is a development of international standard and we should take pride in it. However, a resident of Tai Kok Tsui told me that the waterfront linked to the WKCD stank to high heaven and that nothing could be more unpleasant. Moreover, some residents and primary students in deprived areas told me they did not know what the WKCD was all about, and they had no idea what they were supposed to appreciate. There are 280 000 construction workers in Hong Kong. When we conducted consultation on the streets, some workers asked us what the WKCD was. They also asked whether the WKCD project would provide them with more jobs, and whether they would be able to take part in the construction project. Recently during my visits to the districts, they told me about a new term which I found very useful. They told me they were "the beauticians of the city" because they were responsible for the external refurbishing as well as the internal fitting of many buildings in Hong Kong. They asked me how they could take part in the construction of this grand project of the WKCD. I think these four categories of people have a high degree of representativeness. Thus, I will speak on these four major fronts one by one in today's motion debate.

First of all, how will the local economy and employment benefit from the WKCD? The estimated expenditure of the WKCD project is \$21.6 billion. I have consulted many professionals who have explained that 5% of the expenditure is usually spent on design. We can draw references from overseas countries or the Mainland. For instance, the project of the Bird's Nest in Beijing had adopted the design of internationally renowned architects. The relevant works were implemented on the basis of splitting and transferring of works to various subcontracted works distributed among suitable local professionals and

labour. If this mode is adopted in the WKCD project, local people will be able to participate and have a part to play in the construction works. The expenditure of design is usually 15% of the total cost, while that of the actual subcontracted works, or detail design, accounts for 85%. If this is implemented in the WKCD development, our grass-roots labour, particularly workers of the construction industry where unemployment rate reaches 4.2%, as well as people related to the local architectural design industry will also benefit.

The second area is the surrounding areas. Earlier, I had mentioned the report of a research study, which indicated that the level of E. coli in the seawater surrounding Tai Kok Tsui was 180 times higher than the standard. This is really an irony because the architectural design and construction of the WKCD project is something we take pride in, and it should make us proud of ourselves in the international platform. But it will be a big irony if tourists can smell the stinky sea wind in the vicinity. Thus, I urge the Secretary to ask the Secretary for the Environment to do something. In ancient China, Dayu succeeded in "taming the rivers". I hope that through the Secretary, we can convey this message to the Secretary for the Environment. It is our wish that Secretary Edward YAU will "tame the rivers" expeditiously by adopting the latest technology to clean our seawater, considering relocating the New Yau Ma Tei Typhoon Shelter and loading/unloading areas on a long-term basis, and considering constructing a waterfront promenade and a water sports centre in the area.

The third area is accessibility. We have all along hoped that the nearby mass transportation and several MTR stations in the vicinity, such as the Austin Station of the West Rail, the new stations of the future Express Rail Link and the existing Jordan Station of MTR, will be served by an all-weather elevated and covered walkway, or a boulevard directly linked to the waterfront, so that the elderly, young people, couples will be able to walk to the waterfront after arriving at the nearest mass transportation stations. In this way, even though they may not be able to afford spending money on the best cultural activities held at the venue, they will feel that the promenade and the cultural district are related to them.

We do not have time to discuss in details the three designs under consultation today. But I would like to point out that apart from our wish for a green environment and a green cultural district, we also hope that some large-scale landmark structures will be constructed, such as the design of a

suspension bridge as mentioned. If the bridge is like the Harbour Bridge of Sydney, it will give tourists the impression that this is Hong Kong when they take their photos there. The designer should have this concept in mind.

Moreover, I believe the cultural district will enhance the connectivity of the nearby waterfront promenade. As a matter of fact, the WKCD can absolutely play a spearheading role, and its connectivity will reach areas known to us. Some developers may raise the issue of contracts. But we hope that with concerted efforts of the Government and the community, we will convince these developers that we will be able to connect the future cultural district with the West Kowloon Waterfront Promenade and reach the areas of Sham Shui Po, Mei Foo, and Kai Tak. We can also consider drawing references from experiences of foreign countries, such as adopting the concepts of an overpass and a pontoon bridge.

Furthermore, to enable more visitors to enjoy the cultural district and the waterfront promenade, we propose to organize waterborne taxis across the waterfront. As a matter of fact, we had taken the lead to put forward this concept, which will provide more convenience to visitors on their visits, in our study report two years ago.

The fourth area is our software. I am of the view that it is very important and should not be neglected. How do we make the WKCD complementary with its arts and cultural contents? If nobody is able to appreciate the arts and cultural projects, the artists will only be "casting pearls before swine". Thus, we will need to industrialize arts and culture. Both the Mainland and Taiwan are more successful than Hong Kong in this respect. Let us take the Eslite Bookstore of Taichung as an example. We can see that arts and culture can become merchandises and can be popular among the public. Meanwhile, that building with 100 000 plants decorating the external walls has become the landmark of the city. Apart from tourists, consumers also like to visit the place.

Recently, the Government has succeeded in staging the "Animated Version of the Riverside Scene at Qingming Festival" exhibition in Hong Kong. This is a very good beginning. Many children love watching it. This represents an activity approach to cultural and arts education. However, what is more important is our basic education. I hope that more resources will be allocated to the arts education of primary and secondary schools, with a view to recruiting

better teachers to help foster an interest in arts, cultivate an artistic taste as well as an ability to appreciate arts among primary students.

Therefore, we are urging for inter-bureaux co-operation today. Apart from Secretary TSANG Tak-sing, we also need the Secretary for Transport and Housing, the Secretary for Development, and the Secretary for Education to attend meetings with a view to exploring how cultural contents can be enriched in this cultural district to achieve unanimity in immanence and appearance.

Only Secretary TSANG Tak-sing is present today. Thus, I can only ask through Secretary TSANG Tak-sing last time when we met with Secretary TSANG Tak-sing, we had put forward the abovementioned proposal. He said that he would help us put forward certain items of our proposal to other Policy Bureaux. Otherwise, in building the WKCD, we are only having a "white elephant". If this is the case, Hong Kong people will not be able to feel that the WKCD belongs to them, and the spending of \$21.6 billion on the WKCD project will be a great failure.

We have seven amendments to the motion today. Apart from Mr LEE Wing-tat's proposal of allocating 1% to 3% of the proceeds from land auctions for financing the general public, basically I support all of them. As a matter of fact, I also support the direction of this proposal. We can study how much specific impact this will produce. Moreover, Mr Alan LEONG has proposed to drastically reduce the ratio of commercial properties to residential properties in WKCD. I would like to hear about the concrete implementation details of this drastic reduction. In general, all seven amendments have enriched my motion. Thus, in principle, and from the perspective of their general direction, I support all of them.

I so submit.

PRESIDENT (in Cantonese): Dr LEUNG, please move your motion.

DR PRISCILLA LEUNG (in Cantonese): President, today, in relation to my motion, I would like to ask Members

PRESIDENT (in Cantonese): Please move your motion.

DR PRISCILLA LEUNG (in Cantonese): I hereby move my motion.

Dr Priscilla LEUNG moved the following motion: (Translation)

"That, as the West Kowloon Cultural District ('WKCD'), which costs \$21.6 billion to develop, is a cultural entity belonging to Hong Kong people and should be shared by every member of the public, and not be a sight-seeing spot solely for tourists, the Government should examine the WKCD project from a more macro perspective, including local community economy and employment, support facilities in surrounding areas, easy accessibility as well as art and cultural software, etc.; in this connection, this Council urges the Government to adopt measures on the following fronts:

Local community economy and employment —

- (a) to provide more opportunities for local professionals and workers to participate in the construction works of WKCD, so as to ensure that the Hong Kong economy can really benefit from the development of WKCD;

Support facilities in surrounding areas —

- (b) with low-carbon and low emission as the objectives, to develop WKCD as a project blending artistic and cultural development and green concepts;
- (c) to expeditiously improve the water quality of the Victoria Harbour in the vicinity of WKCD, especially the water quality of the New Yau Ma Tei Typhoon Shelter, so as to upgrade the overall planning profile;

Accessibility —

- (d) to expeditiously implement the construction of a waterfront promenade extending from Kai Tak to Sham Shui Po and cutting

through WKCD, making it more convenient for residents to have direct access to WKCD via the waterfront promenade;

- (e) to enhance the external transport facilities for WKCD, and improve the accessibility of the surrounding roads, so as to foster a feeling of alignment with WKCD among the residents of Kowloon district;

Cultural software —

- (f) to attach importance to the development of cultural software, implement a macro art policy, and promote and popularize art education at the levels of tertiary and basic education, so as to avoid WKCD becoming a hardware facility in form; and
- (g) to pay heed to the unique cultural characteristics of ethnic minorities and the local community, so as to enhance and capitalize on Hong Kong's geo-cultural advantage."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr Priscilla LEUNG be passed.

PRESIDENT (in Cantonese): Seven Members intend to move amendments to this motion. The motion and the seven amendments will now be debated together in a joint debate.

I will call upon Ms Miriam LAU to speak first, to be followed by Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE, Prof Patrick LAU and Ms Cyd HO; but no amendments are to be moved at this stage.

MS MIRIAM LAU (in Cantonese): President, after a lengthy and tortuous process, the facilities of the first phase of the West Kowloon Cultural District (WKCD) project are eventually envisaged to be completed in phases from 2014. Many people have great expectation for the cultural district, hoping that it will enhance the artistic level of the public as well as give an impetus to the development of tourism.

As a matter of fact, given appropriate planning, developing arts and culture can be cost-effective. Many successful examples can be found in foreign countries. For instance, the European Union has started implementing a scheme of designating the European Capital of Culture since 1985. After keen competition, one or two European cities will be awarded the title each year. For this year, as many as three places are awarded with this honour. They are Istanbul of Turkey, Pecs of Hungary, and the Ruhr region of Germany respectively.

For cities awarded with the title, their image and profile will be raised, and the quality of people will be enhanced. While more tourists and new investment will be attracted to the cities, the employment rate will correspondingly be improved. Take the Ruhr region located in western Germany as an example. The region is composed of 53 towns and cities. With efforts made over the years, this important industrial area of Germany has become a cultural metropolis where people of about 170 nationalities have been attracted to live in the area. The region has set a very good example for us.

However, the sole reliance on the hardware facilities, such as halls and venues, is insufficient to establish the WKCD as one of the highlights of the future development in Hong Kong. Thus, we hope that the Government will devote more efforts to software development in the form of talent nurturing which targets specially at the young generations, with a view to ensuring that the WKCD will enrich the arts and cultural performances and activities of Hong Kong.

Thus, on behalf of the Liberal Party, I put forward the amendment, hoping that importance will be attached to the cultural and artistic qualities of the young generations, and good audience and listeners of various cultural and artistic activities will be nurtured for the cultural district, so that they may help in upgrading the overall cultural and artistic qualities of the public.

I would like to point out that, due to limited resources, only a certain number of places is offered in many existing activities, such as the School Arts Animateur Scheme organized by the Leisure and Cultural Services Department. As a result, many people who wish to participate in the scheme are unable to receive or benefit from the relevant training. Take the "Little Green Warriors" Creative Ballet Animateur Scheme as an example. The Scheme is implemented

in 10 primary schools and two special schools only. Another scheme introduced is the Multi-media Dance Education Scheme, which is implemented in two secondary schools only. It is unfortunate that only very few students have the chance to participate in such creative cultural and arts activities. The Government should allocate more resources to these activities; increase the number of participating students in similar schemes, so that more students with potential will have the opportunity to discover their artistic potentials; and strengthen the initiatives of promoting artistic activities to the youth.

Apart from organizing courses at the school level, the Government can, in organizing arts and cultural activities at the international level, introduce in-depth guided appreciation services. For instance, the recent exhibition of the "Animated Version of the Riverside Scene at Qingming Festival" has stirred up a fever of arts appreciation among Hong Kong people. In addition to helping visitors learn more about the painting "The Riverside Scene at Qingming Festival" itself, the Government can collaterally organize activities with the aim of introducing various arts, cultural, and technological developments of the Sung Dynasty, so that interested audience will have a more comprehensive and in-depth knowledge of the culture and historical background of the Sung Dynasty. It is only through this that we can effectively enhance the cultural and artistic qualities of our youth, so that activities of arts appreciation will not be downgraded to programmes visited by people solely with the mentality of flocking to a fair.

As a matter of fact, the WKCD, scheduled for completion in phases a few years later, has already generated a great demand for professionals in arts and cultural administration. We believe that we cannot rely solely on talents recruited from overseas to cope with the work. We hope that with improved nurturing, more local people of this field will be able to reach the international level. Take Graham SHEFFIELD, the Chief Executive Officer of WKCD, as an example. After graduating from a university in the United Kingdom, he was engaged in arts administrative work in London for a long time. It can be said that he is a world-class local talent nurtured in London. If London succeeds in nurturing talents, with abundant resources and potentials, Hong Kong should be able to nurture a local Graham Sheffield of our own.

I know that some tertiary institutions in Hong Kong are offering courses relating to museum and arts administration, with a view to nurturing professionals

in the sector. Moreover, the West Kowloon Cultural District Authority has also sponsored scholarships awarded to seven persons to pursue study in the Cultural Leadership Programme of the University of Hong Kong. The Clore Leadership Programme, administered by the Hong Kong Arts Development Council, also offers 20 admission places annually. However, the Administration must not be complacent with this. It should allocate more resources to strengthen the grooming of leaders in this area.

It is proposed in the original motion that more opportunities should be provided for local professionals such as architects and designers to participate in the construction of the WKCD, so that the planning of the WKCD will feature a global vision as well as local characteristics. We very much agree to this.

President, with respect to hardware facilities, as the WKCD is established in Hong Kong while engaging itself globally, it is imperative to enhance the external transport support facilities for the WKCD. Apart from implementing the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project pledged earlier, the Hong Kong Government had put forward the proposal of constructing the Central Kowloon Route years ago. This is a very important support facility for local transportation. Due to conservation considerations, the project concerned was suspended several years ago. As a result, currently the Route is still in the investigation and preliminary design stage while dates of commencement and completion of the project are yet to be fixed.

In order to complement the future development of the WKCD, it is imperative for the Government to expeditiously study the implementation of the Central Kowloon Route, thereby improving the transport facilities of the neighbouring areas of the WKCD. If there are further delays on the part of the Government, the congestion in East and West Kowloon will become increasingly serious.

With respect to the amendments, the majority of the proposals aim at building an excellent WKCD. We also agree to the proposal put forward in the original motion which urges the Government to strengthen the environmental-friendly elements of the WKCD and improve the water quality of the Victoria Harbour. The Government should expeditiously implement the Harbour Area Treatment Scheme stage 2 and should start with addressing issues

such as drainage and dredging, with a view to improving the water quality of the New Yau Ma Tei Typhoon Shelter, so as to avoid the cultural atmosphere of the WKCD being damaged by the stinking odour of seawater. The proposals of Mr James TO and Mr Alan LEONG aim at improving the living environment within the WKCD and its neighbouring areas. In her amendment, Ms Starry LEE has proposed to reserve space within the commercial facilities in the WKCD for some operators of unique businesses which have been affected by redevelopment and invite them to move in. Meanwhile, Prof Patrick LAU has urged the Government to facilitate the development of a creative economy. We support all these amendments.

As for the amendment of Mr LEE Wing-tat which proposes establishing an independent Policy Bureau to handle cultural and arts affairs, and allocating 1% to 3% of the proceeds from land auctions in the WKCD for promoting and developing culture and arts, although we understand the intention of Mr LEE Wing-tat, we are worried that the former proposal will cause duplication of efforts. In the case of the latter proposal, we do not know how the amount will be determined, and we need to look further into that and study in more details. Instead, we opine that Ms Cyd HO's proposal to establish a "Metropolitan Cultural Think-tank" with the tripartite collaboration among the Government, the business sector and the public is more desirable.

I so submit. Thank you, President.

MR LEE WING-TAT (in Cantonese): President, first of all, I would like to thank Dr Priscilla LEUNG for proposing the motion, so that we have the opportunity to debate on the West Kowloon Cultural District (WKCD) in this Chamber.

I am a panel member of the consultation panel of the West Kowloon Cultural District Authority (WKCDA), and I have attended many of their meetings. During the meetings, I have repeatedly expressed certain views. This one is just the same. It has never been my worry that our local architects and engineers cannot construct buildings. They can certainly do that, but whether the buildings are aesthetically appealing is another question — Prof Patrick LAU is looking at me. Generally speaking, buildings constructed in Hong Kong will not collapse.

What is the greatest challenge of Hong Kong's WKCD? It is the software development, and the nurture of local talents engaged in creative arts as well as local people for arts appreciation. Many people say that constructing a building may take eight or 10 years, but grooming a large number of people with the ability of arts appreciation — irrespective of high arts, general arts or popular arts — takes a very long time. During the meetings of the consultation panel, I have expressed many times that this is the issue which worries me most. I have told people at the WKCDA that although the funding approved by the Legislative Council is mainly used in construction works, I do not think there is absolutely no flexibility in its usage. At present, the amount deposited in the bank for interest is over \$20 billion. I do not know how much interest can be generated from this amount. If the interest rate is 1% to 2%, the annual interest will amount to a few tens of millions dollars, may be even \$1 billion to \$2 billion. If this amount is allocated for grooming local arts professionals, nurturing the ability of local residents to appreciate cultural and arts programmes, it will be helpful in facilitating the future management personnel of the WKCD.

President, the most controversial part of the amendment put forward by me today is whether 1% to 3% of the proceeds from land auctions in the WKCD should be allocated for nurturing local arts and cultural talents. This idea is not indulging in fantasies at all. There are many examples in foreign countries. For instance, the "Percent for Art" legislation was passed in New York of the United States. It is stipulated in the legislation that no less than 1% of the budget of state government buildings or redevelopment projects should be allocated for financing arts and cultural programmes, principally for setting up some arts and cultural installations. Generally speaking, the subvention is of a smaller scale and will not amount to several million US dollars, but just tens of thousands of US dollars. The objective is to provide opportunities for young and inexperienced artists to display their talents and test their abilities. Similarly, in promulgating the Culture and Arts Reward Act in 1992, the Taiwanese government legislated for the use of publicly owned buildings or government buildings for the promotion and display of arts. Where does the money come from? It comes from 1% of the cost of construction of the buildings. Why have I mentioned the land auctions? It is because there is a piece of quality land at the rear of the WKCD. Although some colleagues object to building luxury flats at the site, it is difficult for me to forecast what kind of buildings developers will build there. Frankly speaking, some property developers may build flats with small sizes the price per square foot of Queen's Cube is already in the range of over \$10,000 to \$20,000. Thus, it is

difficult for me to exercise control over what kind of buildings property developers will build. But at the very least, is it possible to allocate parts of the proceeds from land auctions to subsidize some members of the public, students, or non-profit making arts and cultural operators in financial difficulties to organize training courses and promotion programmes on arts and culture? This is the part on software that I am referring to.

President, in fact, I am much more worried about software than hardware. This is because in recent two years, I have been very frustrated with the discussion I have with the colleagues of the Secretary on two cultural policies. Last month when I met with Mr SHEFFIELD, I said in English, "You will be killed by bureaucracy." He will be killed by the bureaucratic system. The two cultural policies I talked about were not complicated at all. As a matter of fact, the Secretary had heard me mentioning them, which were about street performances. After efforts made over the past two years, there are some performances now. But they are not called street performances; instead, the term of Venue Artists Development Scheme is adopted. Members of the public are allowed to stage their performances in the areas under the administration of the Leisure and Cultural Services Department (LCSD) outside Sha Tin Town Hall and Kwai Tsing Theatre.

I had asked Secretary Henry TANG, among international cities such as London, New York, and Tokyo, which city did not allow members of the public to stage street performances? Hong Kong has undergone "sterilization". Whenever policemen and staff of the Food and Environmental Hygiene Department (FEHD) see someone drawing on the ground, playing Erhu or violin, no matter how spacious the area is, they will drive them away, alleging that the performers are causing street obstruction.

I had told the Chief Secretary and the Secretary that a proactive policy that allowed members of the public to stage street performances must be spearheaded by the relevant bureau, so that policemen, staff of the FEHD and the Lands Department would not treat local cultural and arts workers — particularly the young cultural and arts workers — as if they were thieves. At the moment, artists drawing a painting on the ground are driven away; those playing violin or Erhu are driven away as if they were beggars. Secretary, if we do not have such an ambience, we will not be able to nurture talents.

Thus, I told Mr SHEFFIELD that he would be suffocated by the bureaucratic system when he performed his work in the future, because street performances involved President, I wonder if you know, I have done some calculation. At least 10 departments require street performers to apply for licenses before they stage street performances. But the majority of the performers fail to have their applications approved. President, I do not know which musical instrument you play. But if you wish to play in Hong Kong, your application for a license will not be approved even in half a year's time. It is as simple as that. Therefore, if the Secretary does not take the lead in conducting a review, I will agree with the remark made by Priscilla LEUNG; that is, there will only be leased territory of culture in Hong Kong. Prosperity and vibrancy will be found within the cultural district, but residents of Tin Shui Wai, North District and Tung Chung do not go to the WKCD every day. Why aren't the roots of our culture put down in the soil? This is the first point.

Secondly, there are many government buildings in Hong Kong. I do not know the exact number. Anyway, there are many. The consultation panel of the WKCD held a meeting in the meeting room of the Arts Development Council once. I asked the Chief Executive of the Council why there was not a single painting in the meeting room. It was totally beyond my comprehension. He replied it was difficult to make a decision on the selection of paintings. I think it was not necessary for him to make such an excuse at all. It is really incomprehensible that not a single painting can be found in the meeting room of the Arts Development Council. Paintings are neither found in the Government Headquarters. The Legislative Council is better in this respect. But the paintings in the Legislative Council are of an inferior type. President, you should raise the issue in the Commission. The majority of the paintings hung in the corridors are duplicates. They serve the purpose of window-dressing only.

President, do you know that two thirds of our collections are stored in warehouses? James TO and I had raised criticism in this respect in the year before last. We were of the view that the Administration should identify a venue and organize an exhibition to showcase the collection of the LCSD in each quarter of the year. Secretary, I am sorry, but up till now, the Government has not done so. James TO, do you remember? Someone had donated some paintings and other collection to the Government, but the Government put them in warehouses. The quantity is about two thirds of the total collection, which will probably not see the light of day in five to 10 years. I had held a number of meetings with the colleagues of the relevant department, the Director of

Administration, and the Architectural Services Department, asking whether agreements could be arranged between government buildings and the LCSA for lending some of their collection for display. Moreover, funding should be given by the Commission to young artists in Hong Kong, providing them with the opportunities to carve sculptures and draw paintings for the purpose of display. Even if they cannot be displayed on a long-term basis, they can be exhibited in rotation.

I had a feeling in the course of discussion. They told me it was difficult to do so. According to them, there are no special designs in the buildings to hang these things. Once they are hung, they have to take out insurance policies. Otherwise, what will happen if those things accidentally fall and injure people? They gave hundreds of reasons to explain why this cannot be done. I really do not understand. They find it easy to spend \$20 billion to develop WKCD. But then what is so difficult about hanging some paintings or displaying several simple sculptures in buildings in order to encourage young people in Hong Kong to engage in creative work?

Of course, we cannot put all the blame on the Secretary. I understand that there have been some improvements. For instance, an open sculpture exhibition was organized in Sha Tin last year. I visited the exhibition and found the exhibits very impressive. The Housing Authority attempted to organize similar activities at Yat Tung Estate in Tung Chung six or seven years ago. As a matter of fact, many of our statutory organizations such as the Urban Renewal Authority should make some efforts in this respect. We have so much money. Promotion efforts should not be made by the WKCD alone, some of the work can be done in MTR stations. I understand that the Government is planning to organize this kind of activities in new buildings. I am of the view that this is not sufficient. There are many buildings and places in Hong Kong. If each of us can give more thoughts to the matter, do away with bureaucratic procedures and mentality, many creative works of our local young people will be able to be exhibited.

President, providing more venues for young artists to set up arts studios is also proposed in my amendment. I know that a Jockey Club Creative Arts Centre has been set up in Shek Kip Mei. Another centre will also be set up in Central later. But I think these venues are still not enough. I hope that the Secretary and the Housing Department many tenants will soon move out of old industrial areas. It is advisable for the Housing Department to consider

setting up in those industrial areas a number of centres similar to the Jockey Club Creative Arts Centre in Shek Kip Mei, so as to ensure young arts workers will have places to give full play to their creativity without putting up with high rents. Thank you, President.

MR JAMES TO (in Cantonese): President, originally, I had a draft speech but I think I better speak impromptu. In the Democratic Party, there is a division of labour between Mr LEE Wing-tat and me. He is the spokesperson on the art and cultural software and I am responsible for commenting on the support facilities in the areas surrounding the West Kowloon Cultural District (WKCD).

President, first of all, I would like to talk about the areas neighbouring the WKCD. Sorry for my frankness, I estimate that luxury properties will inevitably be built in the areas neighbouring the WKCD. Taking into account the support facilities in the vicinity and the factor of accessibility, I believe that all the old districts neighbouring the WKCD will become very valuable. In view of the present trend, I have reason to believe and be worried that the neighbouring old districts will soon be demolished and luxury properties will be built. All the characteristic old shops and communities with cultural characteristics or local flavour will all be destroyed.

What should be done? This is a major issue and it should not be handled by the Home Affairs Bureau. Perhaps, it should be handled by the Development Bureau. However, the Development Bureau has set compulsory sale in motion, completely changing the handling of the old districts from a safety perspective to a profit-making perspective. The safety perspective is used as a disguise for compulsory sale. Then, high-rises will be built. The development speed is really astonishing. If the Development Bureau or the Government does not take urgent action, old buildings may be sold out very soon. Insofar as many old buildings are concerned, developers have already acquired 60% to 70% of their ownership and are still having a tug of war over the remaining ownership which seems to be lingering at a "push and pull" stage. Some people have already started the acquisition operation, so if the Government still does not do anything, it will not be possible to preserve the neighbouring old districts. We have to do something as soon as possible if we want the surrounding areas of the WKCD to have other characteristics and support facilities.

The second point is: Members may think that the typhoon shelter or sewage treatment works are far away from the WKCD. However, if some structural problems are not solved, the odour problem will accumulate and worsen and as a result, the WKCD will become the stinky WKCD and that would be a serious concern. It would not be a "stinky old dog" but the "stinky WKCD".

Actually, what are the structural problems? At present, in the old district of the WKCD, the underground sewers converge at one point, and nearly half of the sewage is discharged into the typhoon shelter, that is, just beneath the One SilverSea. However, the property prices of One SilverSea are still hitting new highs. The problem is, the sewage is discharged into the typhoon shelter but the typhoon shelter is an enclosed area.

A few days ago, I had a meeting with the Director of Environmental Protection and some 20 officers from the Drainage Services Department, the Civil Engineering and Development Department, and so on. I pretended to blame the Director of Environmental Protection. Subsequently, a chief officer under him — I have to say this carefully — had an argument with the people from two other departments right at the scene and it was a heated argument. If there were police officers around, they might think that something had happened among us.

Well before that, I had already requested the Drainage Services Department and the Civil Engineering and Development Department to carry out dredging in the typhoon shelter as the mud had accumulated there for five years without being dredged. Generally speaking, dredging is required every three to four years. A couple of years ago, I requested the Civil Engineering and Development Department to carry out dredging. The Department indicated that although it was responsible for dredging, it had no money and if other departments considered that dredging had to be done there, the Department would apply for funds to carry out dredging.

It was not until recently that at last, a department considered that the mud at the typhoon shelter must be dredged and that was the Marine Department. The Marine Department pointed out that as the mud had accumulated for five years, the navigation channels would be affected. The mud at a typhoon shelter would also affect navigation channels and cause vessels to become stranded. You can see how serious the problem is. The Civil Engineering and Development Department carried out dredging only because the Marine Department requested it to do so. Dredging became essential and it was not purely because of the

odour as that can be tolerated. In fact, an even more fundamental solution is to make the entire sewage system extend into the Victoria Harbour. Sewage should not be discharged into a typhoon shelter and such design is fundamentally wrong.

I hope the Secretary can understand that I am not taking this opportunity to solve a community problem. If this problem is not dealt with, the WKCD will become the "stinky WKCD" in the future. Please bear in mind that any changes made to a large-scale sewerage system will cost a huge sum of money, and it takes time as well. We should not start thinking about this problem after the WKCD has been built. It will be the greatest joke if we find that the WKCD turns out to be very stinky.

Of course, I will not underestimate the cost. If the sewerage system of the WKCD is to be completely changed, it will cost more than \$20 billion. Sewage treatment may also cost billions or even tens of billions of dollars in the future. It is a huge sum. I must put this point on record and I point out this concern of mine.

The construction of the sewage treatment plant will be completed in 2010, that is, before the completion of the WKCD. Concerning the sewage drains in the typhoon shelter, — the sewers were originally storm water drains — there are many illegally connected sewers in the inland districts of West Kowloon. It takes time to locate them, and very often, they are only located when there is road excavation works. When it is found that the sewers of a certain building are illegally connected to the storm water drains, the building concerned are required to carry out remedial works. However, many old buildings were built decades ago and they have to form owners' corporations first — the Home Affairs Bureau is responsible for this — after owners' corporations are formed, funds have to be raised to change the drain alignments, dig up the road or buildings to see if there are other connection points. The entire process actually needs some lead time.

All in all, first, we have to preserve the characteristics of old districts and must not let West Kowloon be turned into a district of super luxury properties; otherwise, in the future, you will only find that the WKCD is surrounded by nothing but modern features and that the characteristics of old districts have completely vanished. Second, we have to thoroughly deal with the structural problems relating to sewerage to prevent the WKCD from becoming the "stinky

WKCD". The third point is about accessibility. We have to ensure that the WKCD can blend in with the old districts, so that West Kowloon will not be just a cultural district but also a district that can exude a cultural ambience and be enjoyed by all.

MR ALAN LEONG (in Cantonese): President, you may be aware that I have all along been very concerned about the West Kowloon Cultural District (WKCD). Why am I so concerned? That is because the WKCD is really very important to Hong Kong. Its importance is manifested in three aspects.

Firstly, if we can develop a quality cultural district, it can contribute greatly to the cultural quality of Hong Kong people and social harmony.

Second, I am so concerned about the WKCD because we really need a successful cultural district to place Hong Kong back on the international cultural and artistic scene and turn it into a bright spot. This is a very important and indispensable consideration in how Hong Kong can secure a place in the international community.

Thirdly, there are considerations from the art-based perspective. Being an international hub and a place where East meets West, Hong Kong definitely has the conditions to enrich our art-based quiddity to make contribution to arts.

President, I will further elaborate these several aspects. Let me first talk about the first item. Regarding enhancing Hong Kong people's cultural qualities and promoting social harmony, I must mention the special introduction made by Mr Jason HU, Mayor of Taichung City, during my visit to Taichung last year. He said that when he took office in 2001 — that was already more than eight years ago — the community participation rate in culture and arts in Taichung was only on average 3.92 times per person annually but by 2007, it was 28.38 times per person annually, a more than seven-fold increase.

After giving an account of the facts and figures, Mayor Jason HU further explained to me that he believed cultural activities had made people in Taichung more polite, upgrade the quality of the people, improve environmental hygiene, and one could even sense that the entire ambience in Taichung had become more harmonious. He also added that higher frequency of Taichung residents in participating in cultural and artistic activities also enhanced creativity in design

and other aspects of industrial products. President, I think this is one important reason for doing a proper job in developing the WKCD.

The second point is how we are going to place Hong Kong back on the world cultural and artistic scene and make it a bright spot. President, some international cities like Paris, New York, Tokyo and London have very rich cultural and artistic life and visitors are never tired of them. After visiting London, visitors would always think of this place and want to visit it again because it really has its appeal.

Even some Mainland cities have taken this factor into consideration. Just consider, which large cities on the Mainland do not want to build facilities such as museums, arts centres and opera houses? Therefore, the same considerations apply to all cities. Nowadays, if a city wants to establish its presence in the international community and display a certain style, artistic and cultural life are indispensable.

We can see that the successful development of the WKCD is very important to boosting the identity of Hong Kong people, especially in enabling Hong Kong to have a place in the international cultural and artistic scene.

The third point is: Why do we have to create a successful WKCD? Because in this way, we can make contribution to arts.

President, I have shared with Mr Graham SHEFFIELD, the Chief Executive Officer of the WKCD, the three reasons why I hope that the development of the WKCD will be a success. In fact, Mr SHEFFIELD also understands, as I have pointed out, we must have a very clear cultural and arts strategy, then follow it through with a system of artistic responsibility, only in this way can there be any hope of success. Otherwise, it will be like we are acting in a top-down manner to implement the will of the executive authorities by using the \$21.6 billion to create a place similar to the West End in London or the Broadway in New York. However, Members all know full well that it will be difficult to be successful. If that is the case, the WKCD will degenerate into venues for hire and it cannot serve the three purposes that I have talked about just now.

Of course, Mr SHEFFIELD pointed out that the policy for the WKCD should be implemented by the SAR Government rather than by him. I explained to Mr SHEFFIELD that for various reasons, it is very difficult for the SAR

Government to implement a methodical arts and cultural policy, rather, he might as well make use of the pattern of arts and cultural strategy implemented by him in his five years in Greater London to build a WKCD, then make use of such an arts and cultural strategy to hasten the birth of a cultural policy. He considered that this might be a feasible approach. I certainly hope Mr SHEFFIELD would succeed.

Here, I would like to respond to what Mr LEE Wing-tat said earlier on. He worried whether this expert in the industry, Mr Graham SHEFFIELD, might be stymied by the bureaucrats in Hong Kong. President, this is also my worry. Since various Secretaries are present, I wish to make a public appeal and put it on record here that I hope this expert can, without bureaucratic interference and with a high degree of freedom, build a truly successful humanistic WKCD for Hong Kong.

Artistic responsibility is one of the crucial points in my amendment. I wish to give a brief explanation. In fact, artistic responsibility is very simple. Be it for the entire WKCD or just an individual venue in the WKCD, it is to follow through a strategy once it is confirmed. For example, to nurture a subculture, so that it will become a mainstream culture in the future; or to provide an appropriate opportunity to a minority culture which may not appeal to both refined and popular tastes today, so that it can become a popular culture. After that, the Government has to be responsible for the implementation of this formulated strategy. This is artistic responsibility. I hope that the Administration can let Mr SHEFFIELD have the chance to be responsible for the implementation of this artistic responsibility. I so submit.

MS STARRY LEE (in Cantonese): President, a worker who gave up his job for artistic pursuits once told me he really hoped that his troupe could perform in West Kowloon one day. President, just like you, I take part in many Yu Lan Festival celebration shows during the summer holidays each year. This year, an organizer said to me, "Our Yu Lan Festival celebration has been included in the inventory of Hong Kong's intangible cultural heritage. Do you think we will be able to hold our Yu Lan Festival celebration at the West Kowloon Cultural District (WKCD) one day?" I immediately asked, "Why not?"

To realize the dream of arts performers to perform in the WKCD, to realize the dream of Chinese culture and arts establishing themselves in the WKCD, we

really need an official with vision, commitment and the power of execution to lead Hong Kong in developing the WKCD. However, while developing the WKCD, it is also necessary to fashion Hong Kong into a sustainable cultural city not just with buildings, venues or hardware, but also with cultural development and the nurture of an audience base and artists. It is not just about developing West Kowloon but also planning afresh the neighbouring areas and preserving local cultural characteristics.

It is pointed out in the Policy Address that, "To tie in with the development of the WKCD, we will strengthen our cultural software, develop our audience base, and support more small and medium arts groups." However, during this time, I could only see the Secretary focus on dealing with the hardware for West Kowloon but he rarely pays any attention to things like how it can be compatible with its surrounding areas, how to improve Hong Kong's cultural policies, how to nurture an audience base and how to provide support to local arts and cultural organizations. Therefore, the amendments I proposed are three-pronged: First, how to make the WKCD more compatible with the neighbouring districts; second, how to establish better cultural policies and third, how to support local arts and cultural organizations.

West Kowloon is a very eye-catching development in itself. I am not worried about this at all. No matter what options are adopted, the end-product will be very beautiful and it will become a landmark. However, if Members take a look at the neighbouring districts of West Kowloon, such as Yau Ma Tei, Jordan, Sham Shui Po and farther afield, districts like Kowloon City, Wong Tai Sin and Kwun Tong, all of them are old districts. To make Hong Kong a cultural city, not only is it necessary to develop West Kowloon, it is also necessary to take this opportunity of developing West Kowloon to radiate the West Kowloon cultural belt to its surrounding areas, including the entire Kowloon Peninsula and Hong Kong Island, with a view to building a regional cultural belt centred on West Kowloon. Only then will there be an environment that blends new and old cultures together. Also, I believe that will greatly enhance the charm of West Kowloon.

Take Yau Ma Tei as an example, this place is in itself a small district with a rich historical and cultural heritage. Members are all familiar with the Temple Street, the Fruit Market and the vicinity of Tin Hau Temple (commonly known as Yung Shu Tau), which are fraught with the flavour of old Hong Kong. The

Secretary for Development is not here today. I think the Development Bureau must expedite the revitalization of these historical old districts. In many cities, there are examples for our reference as they have done a good job in this. For example, the development of Bopiliao Old Street in Taipei, Taiwan. I have taken a look there personally and found that it had the aura of the Fruit Market. If the Bureau concerned can have the resolve to transform some of our small districts with historical and cultural heritage into developments like the New Yung Shue Tau Square at the Senado Square in Macao, or the Bopiliao Old Street mentioned by me just now, this can definitely make optimal use of the WKCD and can definitely transform the WKCD into a place blending new and old cultures. Just imagine, after our visitors arrived at the WKCD, after walking for less than 10 minutes, they can go from the WKCD, where cultures around the world converge, to places where an aura of antiquity prevails, like the Temple Street, the Jade Market and Shanghai Street; and on the way, they will also come across fortune telling, Chinese opera and jade stalls. This can really convey a sense of the old blending with the new.

Apart from Yau Ma Tei, in fact, there are also many streets with special characteristics in West Kowloon, such as the Tung Choi Street Hawker Permitted Places (commonly known as Women's Street) and Ap Liu Street. Their potentials can also be further tapped into highlight our local characteristics. As I mentioned earlier on, West Kowloon should not be dealt with in isolation and its links with its surrounding areas must be strengthened. Back in 2008, the DAB has already proposed to the Development Bureau the construction of a "new waterfront in Kowloon", in the mode of a waterfront promenade starting from Sham Shui Po in the east, cutting through the WKCD, linking up Tsim Sha Tsui, Hung Hom, To Kwa Wan and Kai Tak and going all the way to Lei Yue Mun. The "new waterfront in Kowloon" can also form a "Victoria Harbour waterfront corridor" with the existing "new Central harbourfront", so as to form a good place for tourism and leisure activities. It can also provide the cultural industry with a performance venue and enable members of the public to enjoy the achievements of West Kowloon.

Another major direction for achieving territory-wide participation in building West Kowloon is to have better cultural software to complement it and to enhance the cultural quality of each member of the public in Hong Kong. At present, it can be said that we have no cultural policy. In many places, there are independent departments in charge of it. However, in Hong Kong, culture is

only part of the duties of the Home Affairs Bureau and it has not been given due importance. Some of the amendments proposed by me, such as allowing operators of special businesses to move in West Kowloon, the formulation of legislation on museums and stepping up the promotion of the Chinese culture, are designed to address some inadequacies of the current policies. Later on, my colleagues will further elaborate our views.

Now, I have to talk about how to support local arts and cultural organizations. To enhance cultural and artistic qualities and make them radiating from West Kowloon to other districts, the most important task of the Government is to consider how to support artistic performers, how to support local arts organizations and assist them in securing more performance opportunities. Through performance, a greater audience base can be nurtured and it can also provide a ladder of upward mobility for artists, so that they can accumulate performance experience to raise their standard and move from street performances to the hall of fame for artists in the WKCD.

Members are also aware that the support for people involved in artistic pursuits or local arts and cultural organizations in Hong Kong is almost non-existent. In Hong Kong, the soil for nurturing artists is sorely lacking. This industry has neither occupational security nor clear promotion prospects. Most important of all, its future is so uncertain. Therefore, even though artists have the aspiration, they have to think twice before embarking on such a career. In these circumstances, it is really very difficult to attract more people to give up their jobs and become arts performers for the sake of interest. If Hong Kong really wants to become a cultural hub, if it really wants to become a world-class or regional cultural district but no proper efforts are made in this regard, we are just talking fantastic nonsense.

Apart from the lack of support for artists and the lack of upward mobility ladders, support for local arts organizations is also very limited. Many local arts organizations told us that what they lack most is the venues for training and performance. Members are aware that the performance venues in Hong Kong consist mainly of the Hong Kong Cultural Centre, the Kwai Tsing Theatre, and so on. In the future, there will also be some world-class performance venues in West Kowloon but to some local arts organizations, they also dream of venues of such specifications. During the early stage of the performance training, they are in even greater need of more performance opportunities at various districts and

various locations. Therefore, I will also propose amendments with a view to making flexible use of the resources in the surrounding areas to provide more performance venues to them.

The DAB proposes that resource centres on culture and traditions be established. On the one hand, it can showcase the origins and characteristics of local historic buildings and festivals; on the other hand, more importantly, the resource centres on culture and traditions we have in mind will provide more training and performance venues for artists, so that they can have greater room for performance. Of course, we know that, apart from expediting the construction of venues, it is also very important to make good use of local resources. I often think that apart from 7-ELEVENS, that "there must be one nearby", schools also abound in our local communities. There are many examples in overseas countries in which schools are open, be it school halls or playgrounds, and used and shared by the community together. Therefore, it is proposed in my amendments that the Government be requested to offer incentives to encourage schools to open their school halls and playgrounds for use by the community. If they can do that, more training and performance venues can immediately be released for use by arts organizations and individual local arts organizations. Apart from performance venues, the DAB also requests the Secretary to give an undertaking that they will give consideration to or designate locations in the WKCD for local arts organizations to stage performance, instead of dedicating everything to overseas or some highly internationally-renowned organizations to give performances. Just as many arts organizations have told us, they are very worried that there is no way to attain the threshold for securing a chance to perform in the WKCD in the future.

President, the DAB supports the amendments proposed by other Members today. A Member has mentioned earlier on that we would also support Mr LEE Wing-tat's amendment. The reason is we understand that be it the proposal of establishing an independent Policy Bureau or that of allocating a certain percentage of the present proceeds to supporting arts, they are actually the policy adopted by the cities which are currently doing a good job in arts work. Therefore, we also support them.

PROF PATRICK LAU (in Cantonese): President, I am grateful to Dr Priscilla LEUNG for moving this motion on "Territory-wide participation in building the

West Kowloon Cultural District". What can be considered "territory-wide participation"? As an architect, I think that genuine territory-wide participation can be achieved only when open design competitions of various scales, ranging from those for items like museums, performance venues and promenade parks to minor ones like a street sign, are organized to enable all members of the public to have opportunities to participate in the competitions. However, unfortunately, the President will perhaps recall that in July 2008, when we were scrutinizing the Kowloon Cultural District Authority Bill, Mr SIN Chung-kai, who is currently a member of the West Kowloon Cultural District Authority (WKCD), proposed an amendment to add to the legislation the requirement that the WKCD has to hold open competitions on the arts and cultural facilities of the WKCD. However, the motion could not pass because it did not have the support of all Members in the Legislative Council. In fact, it just needed the support of a few more Members.

At that time, Mrs Selina CHOW said she was worried that it might delay the development of the WKCD as it would take six to nine months to hold a competition. At that time, I have already made it clear that the time it took to hold an open competition could be short or long and the main thing was that the time-frame for the competition could be decided by the WKCD. However, in the end, it was still not possible to specify open competitions in the legislation. However, it turned out the WKCD kept carrying out consultations, not just for six months, but many six-month periods. President, I was also "dragooned" into presiding over several professional consultation meetings. At present, there is an exhibition of three overall design blueprints for the public to look at but so far, it has still not been decided which option should be adopted.

President, I have to stress that by design competitions, I do not just mean large-scale architecture design but they also parks, plazas, and even such things in the surrounding areas as trees, lightings, seats, artworks and directional signs. These details have a crucial effect on the overall design concept as well as the ambience of the WKCD. Therefore, my amendment proposes to ensure that open architecture or design competitions of varying scales must be organized for all construction works, be they large, medium or small in scale, so that design professionals of in different fields as well as the general public can have opportunities to participate in the construction process of WKCD.

The most important thing is not to let any company get hold of other people's designs and implement them but to employ the award-winning designers

to implement the designs of their works, or even to further perfect the design in the process, instead of taking the designs and let a "surrogate mother" deliver it. The most important thing is to eliminate all obstacles and encourage the participation of local designers, instead of devising certain rules to make participation possible only to world-class masters.

As a matter of fact, in the past three years, the Government's experience in holding these concept design competitions have already removed many of the doubts about open competitions and also shown that it is a step in the right direction. Now, it should be time the "design development" and the "project implementation" was handed back to the award-winning designers, so as to gradually replace the method of tendering by "design-and-build contract" or "project consultants" frequently used by the Government in recent years, thus eliminating and improving them. The most important thing is to respect the creators of the ideas and let the designers bring to life details of their design concept thus truly encouraging creativity and promoting the development of creative industries.

I strongly agree with the views of the sector to which I belong, that is, the mission of the WKCD is not just to provide us with the venues, space and structures that are required at this moment, rather, the most important thing is to create a culturally rich environment to nurture the cultural qualities of our next generation. I strongly agree with other Members who propose that the hardware and the software be merged. Creative culture is one of the important subject matters. In it, architects, planners, landscape architects and designers all play a rather significant role in promoting creative culture because only characteristic structures, landscape and street layouts can successfully create a cultural ambience.

For this reason, in order to encourage creativity and nurture or groom our next generation, the purpose of holding different kinds of open design competitions of varying scales is to enable small and medium sized design companies and young people to have the opportunities to participate. Hong Kong has no natural resources other than its talents. Particularly in the face of the rapid development of the Pearl River Delta, we must do our best to groom talents in order to maintain the competitiveness of Hong Kong. Moreover, we should be more far-sighted. Not only do we have to promote the creative industries but we should also further develop a "creative economy".

By promoting "creative economy" through the WKCD, young people can get a chance to move upward by giving play to their won creativity. How actually can that be done? It is to use "Hong Kong's unique cultural characteristics" as the driving force. Ms Starry LEE has already talked about this, that is, to upgrade the creative industries to the development of a "creative economy". Creativity is not just a simple industry but also an industry that can bring economic benefits. Only when Hong Kong culture is injected into the WKCD can it truly be our cultural district. I believe that both Hong Kong people and overseas tourists do not wish to see the WKCD become an international duty-free shop, a street for top-end brand shops copying foreign cultures. What we want is a sustainable cultural district with Hong Kong culture.

Apart from Hong Kong characteristics, a Member's amendment also points out that the "planning of a low carbon economy" is also quite important. It is a global trend to require, by means of design guidelines or regional rules/regulations, that new development areas should meet the requirement of low carbon emission. It is also the practice in many cities around the world. The international practice can be considered in developing the WKCD by formulating rules/regulations or design guidelines. However, I would like to point out here that in fact, in terms of sustainable development, regional climate and environment are extremely important. Simply adopting the international approach will not do. The problems of a region must be expressed. Hong Kong is a rather warm place. Ventilation and the environment are crucial, so our guidelines must include different approaches that belong to Hong Kong for planning for a healthy and fresh community. For this reason, I agree with adding the design guidelines for green buildings to the tender conditions for the WKCD. Only then can we prove with designated ratings that the requirements of green buildings in Hong Kong have been met. Of course, government buildings should be the first to achieve the highest rating.

President, the WKCD project has been delayed for 13 years already. Since the Chief Executive has listed the WKCD as one of the 10 major infrastructure projects in the Policy Address, it should not be delayed any further but be carried out as soon as possible. Repeated consultations and beating about the bushes will easily make us lose sight of the focus. Therefore, I think the WKCD should expeditiously finalize the overall design blueprint. At least, the design blueprint has to be fixed before the WKCD programme can be realized.

In my opinion, people who have expressed their views during the Stage I public consultation should be invited to give marks to the three proposals because the three proposals were actually designed on the basis of the opinions collected during the previous consultations. Therefore, it should be a correct approach to consult those people again to see whether or not the present proposals meet their expectations. Let these people do the marking for the reference of the WKCD's reference. Then, it can be expeditiously decided which overall design blueprint can successfully meet their expectations.

The most important point is timely and expeditious construction of support infrastructure facilities within the WKCD and in surrounding areas, especially the external transport networks and the cross-district waterfront linkage. When the development of the WKCD commences, it will already be necessary to use the external connecting roads. This is a very important facility. It will be too late to deal with it only when the WKCD project has started.

I so submit. Thank you, President.

MS CYD HO (in Cantonese): President, although the West Kowloon Cultural District (WKCD) project has reached the stage of planning design details, we still cannot see the realization of the concept of territory-wide participation. Therefore, I have to reiterate here this concept.

Culture is the manifestation of the sublime of the fine quality in life. It is the accumulation of the wisdom of the masses over a very long time and many generations. Hence, culture is never a top-down affair, a planning behind closed doors by the top management level. Instead, it must be a bottom-up affair, a combination of leisure modes and creativity of all walks of life. If it is planned by the management level behind closed doors, only the policy part can be implemented, cultural development will never be promoted.

Hence, the management of the WKCD facilities must enable the WKCD to be the WKCD of the general public. Territory-wide participation must also be facilitated. For this reason, I propose in the amendment that a public consultation meeting must be held at least once a year. This is the minimum requirement for territory-wide participation. Section 19 of the West Kowloon Cultural District Authority Ordinance provides for public consultation. However, the Ordinance states that the Authority shall, in relation to matters as

the Authority considers fit, consult the public at such time and in such manner as it considers appropriate. This means that the Authority will decide everything and the public will not play a guiding role. Besides, the Authority does not have a statutory responsibility to engage the public in a certain period of time. Hence, this provision is actually very different from the public participation we are talking about. The public consultation stipulated in section 19 is very likely a façade merely for show only that lacks any substantive meaning.

Although section 20 requires the Authority to establish a consultation panel to gather public views on matters relevant to the functions of the Authority, and to hold at least one meeting each year and any such meeting is to be open to the public, the consultation panel is restricted by the guidelines issued by the Authority from time to time in relation to the consultation panel's functions and proceedings. President, in fact, these provisions cannot ensure the public to air their views freely at the meeting of the consultation panel, nor can they ensure the public to receive accurate answers and information for the questions they raise at the consultation panel. In fact, for the latter, even we in the Legislative Council are unable to do so. We are given the statutory power to raise questions. However, very often, government officials can dodge our questions, let alone in the case of these vague provisions.

Genuine consultation is actually the early dissemination of sufficient and comprehensive information to the participating public to allow them to have an understanding of the matter, and the adequate room for discussion for the participants to voice their opinions from different perspectives. Participants can argue with each other or persuade each other. Their views will then be summed up in a fair and impartial record that is open to all so that those who do not have the chance to participate simultaneously in the discussion of different groups, or those who do not even have the chance to participate in any public consultation activities can understand what have happened in the whole process of discussion by reading the record, and then express their own views through the other channels.

President, in fact, I specially participated in the stage 1 public engagement exercise organized by the Provisional Authority and found it was a totally different matter. Participants were only given a thin booklet distributed at the exhibition venue. Then they were assigned to different groups to focus their discussion on one of the questions in the questionnaire. For example, do you

wish to have a sense of being a comfortable guest when you visit the WKCD; or do you wish the WKCD to embody traditional characteristics or more modernized features? However, participants assigned to different groups may not be interested in these questions at all. On the contrary, the meeting spent most of the time on talking about what they wanted to say but these views were not placed on record. Hence, opinions collected by the meeting could not accurately reflect the proportion of the participants' views due to this top-down approach in dividing participants into groups right from the beginning. Worse still, some of the working staff joined these groups. Throughout the discussion, the speaking time of these staff was more than the total speaking time of the other participants combined. Perhaps it is because our Government is used to carrying out "pseudo consultation". So it does not know how to conduct a genuine consultation even when needs arise.

The WKCDA has been established and the consultation panel been appointed. A number of consultation activities have also been organized. I have recently deliberately participated in a consultation activity for young professionals. There was neither sufficient interaction nor any session for questions or comments. There was only the report of the results of group discussion to the meeting by the group representatives after participants were divided into groups. During the process, most of the time was engaged in some one-way speeches, with a lack of adequate interaction elements. This format is vastly different from the one expected by the public, which should involve information dissemination, question and answer sessions, expression of opinions and release of reports. Despite the repeated assurances of Prof Stephen CHEUNG that he would listen with an open mind, such an organization and process fails to enable the organizers to hear the opinions and voices of the public. Besides, I am unaware that the Authority has accepted the opinions of the cultural sector with an open mind. For instance, the cultural sector has proposed the establishment of a literature museum, and that art review should be included in the scope of planning of the WKCD. While the proposers of these ideas are actually some respected heavyweights in the cultural sector, including LEUNG Man-tao, TUNG Kai-cheung and YIP Fai, I cannot see that their views have been totally accepted so far.

The function of the WKCDA under the law is limited to the management of the WKCD. Of course, the WKCD is not an isolated island independent of Hong Kong. We need to merge the facilities of the WKCD with the other

facilities in Hong Kong. In terms of policy formulation, the Home Affairs Bureau should not be the only bureau involved. Other bureaux should also join hands to work out a comprehensive plan. President, I therefore propose to set up a Metropolitan Cultural Think-tank. The role played by the Home Affairs Bureau in the cultural policy is the allocation of funding to subsidize arts groups. However, the formulation of an overall cultural policy should cover arts education, freedom in public space, creative industries, the media, information and technology, trade and business, arts and crafts and tourism, all of which are under the portfolio of different policy departments. However, the bureaucratic structure of Hong Kong is actually quite divided and separate. Interdepartmental co-operation among so many departments is actually hard to come by. Hence, a Cultural Think-tank independent of this divided and separate bureaucratic structure should be set up to examine the resources provided by various departments, society, and even the relevant business sector and enterprises interested in cultural promotion. It will then integrate these resources and create an environment conducive to the diversified development of the cultural sector.

In the Think-tank, tripartite collaboration among the Government, the business sector and the public should be present right from the beginning. The participation of government officials is extremely valuable because they are well-versed with public administration and therefore understand the many restrictions at present and the regulations, and they are also aware of their accountability to the public. The participation of the business sector is necessary because they own an abundant amount of disposable resources in terms of money and space to enable them to sponsor cultural activities, and they also understand how to industrialize cultural creativity. Of course, cultural workers and recipients also play a very important role. They should share in the Think-tank their experiences and propose recommendations for the formulation of the cultural policy.

In the past, the Culture and Heritage Commission was set up to examine the overall cultural policy, with functions similar to a Cultural Think-tank. It is a pity that the Commission disappeared by itself after the completion of its study and report. However, many of the recommendations in the report have yet been put into practice. The power then went back once again to government officials. Although government officials are vested with the power, they do not necessarily understand the track of cultural development. They are used to taking figures and results as well as immediate returns as the yardstick to measure the

effectiveness of a policy. However, Secretary, cultural investment yields no immediate returns. For instance, this year, the Audit Commission spotted in the agreement signed between the Home Affairs Bureau and the arts groups the oversight to provide a clear framework for the monitoring of the subsidized arts groups, which attracted a lot of criticisms.

President, when MA Ying-jeou became Taipei Mayor, he went to Germany in person to invite Ms LUNG Ying-tai to be the Cultural Minister of Taipei. During her term of office, she promoted tree conservation and heritage preservation. Besides, she turned government vacant properties into museums and opened them for the use of cultural workers, laying a sound foundation for future cultural development. I hope that government officials of Hong Kong will have the same insight, giving up their overbearing attitude and adopting the expert opinions of the cultural sector with an open mind, to set up a Metropolitan Cultural Think-tank outside the WKCD for public participation and monitoring, so as to achieve the target of culture being created by the people and enjoyed by the people.

Thank you, President.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the motion topic of "Territory-wide participation in building the West Kowloon Cultural District" proposed by Dr Priscilla LEUNG for today's debate has all along been the objective adopted by the Government and the West Kowloon Cultural District Authority (WKCD) for the planning of the West Kowloon Cultural District (WKCD).

The stage 2 public engagement exercise now underway aims to gauge public views on the three conceptual plans of the WKCD. During the consultation period of the past two months or so, the WKCD has arranged the display of information such as the models of the three conceptual plans at roving exhibitions in different districts, and has them uploaded to the Internet. In addition, 11 forums and nine focus group meetings have been organized for sectors such as culture and arts, urban development, information and technology, and even environmental groups. Taking into account the feedback collected, the WKCD will prepare a detailed development plan of the WKCD for the stage 3 public engagement exercise conducted next year.

The WKCD project is an investment of a long-term strategic significance promoted at the right time and at the right place. Our country has gone through a time of reform and opening-up and an accelerated economic growth. At the present stage, it places heavier emphasis on the promotion of great cultural development and the achievement of great cultural boom. As a Special Administrative Region, Hong Kong has both a strong backing as well as the ability to capitalize on its unique function. The WKCD project is our long-term cultural initiative. Through territory-wide participation, the cultural awareness of the general public will definitely be sharpened.

Regarding the relationship between the WKCD and the local economy, the WKCD project has some large-scale construction works involved. Not only will it promote culture and arts development, it will also support the development of Hong Kong as a creative economy and an international metropolis. The WKCD project will bring economic benefits and job opportunities, as well as business opportunities for the construction, creative and tourism industries of Hong Kong.

The economic impact assessment report of the WKCD prepared by the Government Economist in May 2007 indicates that in a total of 46 years of operation, it is estimated that the WKCD will bring to the Hong Kong economy a value-added contribution of over \$71 billion accumulatively. After the WKCD comes into operation, job opportunities will be created for various sectors such as culture and arts, design and publishing, advertisement and marketing, related creative industries, and so on. According to the assessment, after all the first phase core arts and cultural facilities in the WKCD come into operation, 9 980 job positions will be created, and over 21 500 job positions will be created by the subsequent 30th year.

The works projects of the WKCD will be carried out by phases. The WKCD will, in light of the development timetable, identify suitable landmark buildings and other facilities as the subject of different design competitions, so as to enable more local professionals and members of the public to participate in the architecture design of the WKCD. After the completion of the detailed development plan, consultancy firms and contractors in different professions will be engaged to assist in areas of work such as detailed design, building and works project management, and so on. It is estimated that during the construction period, around 11 000 jobs in building and related industries will be available to local professionals, workers and technicians. They will also acquire from these

job positions experiences in designing and building world-class arts and cultural facilities, which is beneficial to the long-term development of Hong Kong. Under the existing policy, consultancy firms and contractors must give priority to the hiring of local workers and actively provide them with training so that they can learn the necessary skills to fill the job vacancies.

Regarding the external transport support for the WKCD, one of the principles for the planning and design of the WKCD is "accessibility". Convenient transportation network will be provided inside and outside the WKCD, in a bid to maintain a close connection with the neighbouring districts, and a transport link with other places of Hong Kong and even a broader region. We can see from the present three conceptual plans on display the proposed shuttle transit system built in the WKCD such as trams, aerial passenger systems, buses, and so on. The shuttle transit system may extend to Yau Ma Tei, Jordan and Tsim Sha Tsui in future to facilitate a more effective connection with the neighbouring districts. To tie in with the building of the West Kowloon New Development Area, upgrades of the transport and passenger networks has been planned. Pedestrians going to the south of the West Kowloon terminus will be separated from the traffic flow. The Lin Cheung Road — Austin Road vehicular tunnel will be built underground. Pedestrians will use the on-ground public square that links the ground level of the Express Rail Link terminus, the WKCD, the Kowloon Station and the Austin Station. Moreover, it is also planned that the West Kowloon New Development Area will have direct connection with the expressways nearby and the Western Harbour Crossing.

Another principle for the WKCD project is "connectivity". The consultants of the three conceptual plans engaged by the WKCD have also agreed to this basic principle. In their individual proposals, they have put forward a number of recommendations to step up the connection of the WKCD with the surrounding old districts, in order to give impetus to the WKCD to form a cultural network with its neighbouring districts.

Regarding the surrounding old districts, a new draft Urban Renewal Strategy has been issued and a two-month consultation has subsequently been launched. According to the new Strategy, the Government will adopt a comprehensive and integrated approach to give old districts a facelift, which includes redevelopment, rehabilitation, revitalization and preservation. To put into practice the objectives of "people orientation", "from bottom to the top" and

"starting from the district" at the planning stage of urban renewal, the Government will set up District Urban Renewal Forums to collect views from professionals and local stakeholders, organize extensive public engagement exercises and conduct a number of planning and related studies to formulate a blueprint for sustainable urban renewal for the local district.

At present, regarding traders with special characteristics affected by the redevelopment project, the Urban Renewal Authority will arrange to give them priority for shop rental in the redevelopment project. The WKCD project is now at the planning stage. As to whether places will be earmarked in the commercial facilities in the WKCD for some of the traders with special characteristics affected by the redevelopment, decisions cannot be immediately made at this stage. Any such decisions should only be made after thorough discussions among the relevant parties, including the WKCDA, the Development Bureau and the Urban Renewal Authority.

Regarding the waterfront promenade, a temporary one is now in place in the WKCD. After the completion of the WKCD, a 2km-long and at least 20m-wide waterfront promenade running from east to west will be available for the public to have a leisure stroll along the harbor front.

Regarding a low-carbon WKCD, one of the planning principles for the WKCD is the adoption of a design for sustainable development to achieve the objectives of low carbon emission, low energy consumption and low maintenance costs to ensure that the WKCD will bring positive impacts on the environment. The three consultants engaged by the WKCDA for the preparation of the conceptual plans have put forward many recommendations for the sustainable development of the WKCD. For example, the design of low energy consumption buildings, the increase in greening to lower city temperature, the use of renewable solar and wind energy, the adoption of low carbon emission and low energy consumption modes of transport, the installation of solid waste and waste water treatment and recycling plants, and so on. The 40-hectare WKCD site gives us a good opportunity to try out the multi-bearing practices of sustainable development.

A Member has brought up the issue of the water quality of the Victoria Harbour. The Government has all along strived to improve the water quality of the Victoria Harbour through the Sewerage Master Plan and the Harbour Area Treatment Scheme. Monitoring data from the Environmental Protection

Department (EPD) show that the water quality of the Victoria Harbour has seen an improvement in recent years. The water quality of the Victoria Harbour will see a further improvement after the completion of the Harbour Area Treatment Scheme (Stage 2A). As to the water quality of the New Yau Ma Tei Typhoon Shelter, relevant government departments (including the Drainage Services Department (DSD), the EPD and the Civil Engineering and Development Department) have taken a series of measures for improvement. Six dry-weather-flow inceptors have been installed at the storm-water drainage system upstream of the New Yau Ma Tei Typhoon Shelter to intercept sewage.

I am aware of the view suggesting that the outlets of flood relief channels should be located far away from the Victoria Harbour. However, this involves the mammoth cross-district drainage network extension project. The proposal is not desirable both in terms of capital deployment and environmental protection. Besides, at present, it is almost impossible to identify any space in the dense urban West Kowloon for the building of a huge extra drainage pipe.

To resolve the odour problem of the Stonecutters Island Sewage Treatment Works, the DSD has kept improving the facilities of the Sewage Treatment Works to reduce odour production. To resolve the problem in the long run, the DSD has awarded the works contract to have the open sewage clarifier at the Stonecutters Island Sewage Treatment Works completely covered. It is estimated that the whole project will be completed in 2012 by stages. As to the West Kowloon Refuse Transfer Station, the EPD has also taken a series of odour control measures. Moreover, odour management and inspection of the Refuse Transfer Station have been stepped up to ensure the fulfillment of environmental standards.

The WKCD development has to undergo environmental impact assessment studies. Necessary relief measures will be recommended to ensure that the development will not adversely affect the environment in the vicinity (including air quality and water quality). In addition, an air ventilation assessment will also be carried out by the WKCDA to ensure that the WKCD development will not obstruct the air flow of the neighbouring districts.

Regarding the development of the local cultural software and cultural creativity industry, the Government has always strived to promote culture and arts in Hong Kong. Under the existing framework of the SAR Government, the Home Affairs Bureau is responsible for the formulation of the culture and arts

policy and the co-ordination of related matters. We will maintain a close contact with the relevant Policy Bureaux, departments and arts and cultural groups to boost and co-ordinate each other's efforts in the promotion of culture and arts in Hong Kong.

The Home Affairs Bureau and the WKCD attach great importance to the nurturing of arts talent. Be they arts workers or arts managers, not only will they benefit the development of the WKCD but also across the arts and culture scene in Hong Kong. The WKCD has started to plan performing arts and museum related activities for the WKCD with a view to nurturing talent and building audiences for the WKCD. As announced earlier by the WKCD, resources will be allocated to collaborate with other arts and cultural groups or tertiary institutes to launch a series of talent nurturing programmes. Kicking off such initiatives will be the award of a total of HK\$1 million scholarship to the Advanced Cultural Leadership Programme, which is a collaboration between the University of Hong Kong and the Clore Leadership Programme in the United Kingdom, to encourage arts administrators to equip themselves for the future.

A Member has proposed the allocation of a certain percentage of the proceeds from land auctions in the WKCD for financing the promotional and training initiatives in arts and culture. We are of the view that proceeds from land auctions are part of the government revenue. The Government will, on the basis of the priority accorded to different policies, pay for various public services with the government revenue. The above proposal suggests assigning certain revenue to certain expenditure, which may depart from the public finance principle we always uphold.

In fact, in 2010-2011, it is estimated that our expenditure on culture and arts exceeds \$2.8 billion (excluding the expenditure on infrastructure projects), representing around 1% of the total public expenditure. At the same time, from 2010-2011 to 2014-2015, \$486 million in our recurrent expenditure will be put aside to step up the promotion of the local cultural software development. Moreover, we injected \$1.5 billion into the Arts and Sports Development Fund (Arts Portion) in July for application with the intention of using part of the investment returns from the Fund to subsidize arts and cultural programmes and projects worthy of support, so as to promote overall cultural software development and offer opportunities of sustainable development to arts groups with good potential.

Varied and colourful cultural activities and special arts festivals are held in Hong Kong every year. We will continue to allocate resources to major performing arts groups, as well as render support to small and medium scale arts groups and arts workers to develop quality programmes and promote outreach activities. The Leisure and Cultural Services Department (LCSD) will continue to make use of such channels as regular cultural programmes, the Venue Partnership Scheme, free cultural and entertainment programmes, audience building schemes in schools and local communities, audience building at performing arts venues and district arts and cultural promotional activities to offer support and performing opportunities to small and medium scale arts groups. We will continue to make use of subsidy schemes to step up our support to arts groups and arts workers to meet the needs of arts groups and arts workers of different nature and at different development stage. Training programmes for arts administrators have already been in place to offer those dedicated themselves to the arts and cultural sector training and internship opportunities. Moreover, the Hong Kong Arts Development Council has implemented local internship schemes to finance participants to get on-the-job internships in local arts groups. The Council has also been commissioned to implement the cultural internship pilot scheme to finance local arts workers to go to the Mainland or overseas countries to take part in short-term arts administration internships and training programmes.

Regarding audience building, our efforts mainly focus on the young generation, aiming to cultivate their arts and cultural quality. On the education front, art education is one of the eight study areas in the school curriculum. From primary to senior secondary years, the number of hours students engage in art studies accounts for around 5% to 15% of the total. To boost students' arts and cultural quality, diversified channels for art studies are offered in the new senior secondary curriculum introduced in 2009. For example, senior secondary students can participate continuously in arts development activities, and further their arts and creative development through taking elective subjects such as Music, Visual Art and Applied Learning.

We have also actively introduced culture and arts to the public. For example, the Community Cultural Ambassador Scheme under the LCSD has given support to local performing artists to organize arts outreach/promotional activities at different venues. On stepping up the promotion of public art, we will organize many more activities of popular culture and art to enable the public

to have the opportunity of art exposure and art appreciation, and to integrate art into their daily life. We have set to launch a number of public and community art projects, including ArtAlive@Park, Park Deco and Art@GovernmentBuildings. Art pieces created by budding artists and students are displayed in these premises and artistic daily facilities are installed. In this way, more creative opportunities and new display platforms will be developed for local artists.

Regarding street performances, we welcome arts performances in the streets on the condition that such performances do not affect public safety or constitute nuisances and inconveniences to the public. Street performances are not prohibited categorically by the Hong Kong laws. The LCSD has implemented the Open Stage Pilot Scheme from July to December this year. Performing zones are set up at the Plaza of the Hong Kong Cultural Centre, the Plaza of the Sha Tin Town Hall and the Plaza of the Kwai Tsing Theatre for individual or group performances to develop more creative and performing space for art lovers. Different forms of performance are welcome by the Pilot Scheme, which will run for six months to acquire experiences and review its effectiveness.

On paying heed to the unique cultural characteristics of ethnic minorities and the local community, Hong Kong is an international metropolis with the convergence of people from different cultures and of different races. The Government attaches importance to community harmony. The Race Relations Unit is set up to provide various supporting services and measures to cope with the needs of the ethnic minorities to help them integrate into society while their own cultural characteristics are preserved at the same time. The Government has all along supported and organized traditional festive and cultural activities of the ethnic minorities for the joint participation of the ethnic minorities and the locals. Besides, various activities are also organized to facilitate a better understanding of the culture of the ethnic minorities. The arts and cultural policy of the Government is to promote a progressive development of open, inclusive and diversified arts. The culture of the ethnic minorities can be displayed in a diversified manner in different districts of Hong Kong.

Museums under the LCSD frequently stage exhibitions of historical buildings in different districts of Hong Kong, cultural relics, history, traditional custom and culture including the Yu Lan Festival activities, as well as organize

related educational and promotional activities. The LCSD will continue to actively promote local history, culture and cultural relics to the public.

President, we and the WKCDA embrace the same conviction: The WKCD will be a new landmark in Hong Kong that the Hong Kong people and their next generation can enjoy and that they can be proud of. To achieve this target, the participation of the public is indispensable. The WKCDA will continue to make use of the public engagement exercise to realize "territory-wide participation in building the West Kowloon Cultural District" proposed by Dr Priscilla LEUNG.

Thank you.

MR TIMOTHY FOK (in Cantonese): President, after years of argument, the West Kowloon Cultural District (WKCD) project has finally entered the straight run in the wake of the completion of the stage 2 public engagement exercise. As long as no side issues crop up, a cultural landmark based on Hong Kong embracing international vision is going to emerge.

Of course, to the cultural sector of Hong Kong, a cultural landmark is not a spectacular building but the manifestation of the arts and cultural spirit of Hong Kong, the promotion of the progressive development of arts and cultural groups of Hong Kong, the nurturing of future arts and cultural talent of Hong Kong, the boost of Chinese-foreign exchanges in arts and culture, and most importantly, the attraction of public attention and support to arts and culture in Hong Kong. At present, I believe the focus of the consultation work for the design of the WKCD is on its hardware. However, the software of the WKCD is a bigger concern of the cultural sector.

How can the WKCD be a success? First of all, everyone knows that it must cover different cultural domains such as music, drama, opera, dance, film, video recording, sculpture, drawing and film. At the same time, more importantly, while emphasis is placed on modern arts and cultural elements, cultural transmission and preservation are necessary to further promote and develop Chinese traditional culture, particularly typical Hong Kong culture and arts. This is actually the root and source of the culture of Hong Kong, which should be preserved and promoted with great effort. This is the holy duty of the WKCD and the Hong Kong cultural sector.

Frankly speaking, a wave of preservation is sweeping in Hong Kong lately. Whether they are old buildings, old trees or rural villages, they become the focus of attention, with demands for their being left intact and preserved. These are just the external form. Only traditional culture and arts are the fundamental spirit of preservation. Hence, no matter which design the WKCD adopts, or it turns out to be a three-in-one design, the WKCD must reserve some space for the development of traditional arts.

In recent years, the public have suffered from a "big white elephant phobia". Whenever a large-scale sport, arts and cultural development is proposed, the first concern of the public is not about its contents and results but whether it will become "a big white elephant". I understand that in a commercial society where money rules, this is a very normal reaction. However, sport, culture and arts are not a business venture but a construction for the spirit and the mind. Apart from the profit and loss sheet, many invisible returns are involved, which even money cannot buy. Take Jamie WONG, a Hong Kong cyclist's performance yesterday as an example. She was injured in an accident in the Women's Points Race at the Asian Games. However, with her teeth gritted and a strong fighting spirit, she finally got the silver medal fearlessly despite her injury. This is the true spirit of Hong Kong. This is the true spirit of the "post-80s generation".

Returning to the topic of culture, it is never a simple totem but a part of people's daily life. The most important consideration for the success and vitality of the WKCD lies in the degree of public participation. Hence, in the overall design of the WKCD, the factor of the masses should be given full consideration. The intention and degree of public participation are the soul of the entire project. Hence, the relevant facilities must facilitate the residency of the arts and cultural groups of Hong Kong and the participation of the general public. Moreover, effort must be made to nurture future arts and cultural talent.

Regarding the issue of cost-effectiveness, arts and culture are not a business, but they can be operated on a commercial basis and incorporated with commercial elements. As Hong Kong is a commercial metropolis, the demand for the WKCD to indulge itself in narcissism and isolate itself from worldly concerns is quite incomprehensible. I think we must make effort to strike a right balance between commercial operation and cultural promotion.

I wish to stress here once again that as a meeting place of tradition and modern, China and the West, business and culture, Hong Kong must create a pioneering WKCD with forward-looking vision and mindset.

With these words, I support the motion.

DR LAM TAI-FAI (in Cantonese): President, Priscilla LEUNG made a remark earlier on behalf of the Kowloon West New Dynamic, which is quite to my liking. She said that West Kowloon not only belonged to West Kowloon but also to everybody and to the whole territory. Hence, Members' concern for the effects of the development of West Kowloon is actually no less than that of the Kowloon West New Dynamic.

The Secretary should know that the property price in West Kowloon and the surrounding area has now escalated to a very high level. Actually, it is not only because of the influx of "hot money" into Hong Kong. Rather, one of the reasons is that everyone holds high hopes for the West Kowloon Cultural District (WKCD). It is hoped that it can bring economic vitality to West Kowloon and the surrounding area, thus boosting the property price. Honestly speaking, if I have the money, I wish to buy a property there as well. James TO said earlier that the construction of massive and high-density buildings in West Kowloon and the surrounding area should be avoided. I believe this wish of his will definitely not come true because the reality will defeat the ideal. Of course, he may still wish that the design and other aspects of the buildings in West Kowloon and the surrounding area will harmonize with the WKCD. In this regard, I believe he has to talk to Mr Abraham SHEK to try to make some effort in the real estate sector.

Priscilla LEUNG is right to say that as all construction costs of the West Kowloon project are actually borne by the taxpayers of Hong Kong, every member of the public should have the right to enjoy the facilities in West Kowloon in future. I hope that everybody will benefit and everybody will enjoy because it belongs to all. If the Secretary fails in the bid to host the Asian Games, he may spend more time on the West Kowloon project, so as to build a better West Kowloon.

Secretary, Hong Kong is a place where East meets West. Our 7 million residents come from different strata, having different age groups, different

education qualifications and different races. Many of them are South Asians and ethnic minorities. Hong Kong is a melting pot of many cultures. As everybody knows, West Kowloon belongs to all. Hence, the future positioning and direction of arts and cultural development of West Kowloon must be all-round and diversified. Only in this way all members of the public instead of just a selected few will benefit. I cannot recall which Member said earlier that both refined and popular tastes must be suited to allow people with different education backgrounds, interests and accomplishments to enjoy the WKCD. Therefore, the positioning of the exhibits, activities and even consumer facilities in the WKCD must be all-round and diversified. Hamburgers and coffee alone will not do. Neither will fine-dining restaurants alone. Instead, consumption modes for the enjoyment of all walks of life in Hong Kong must be made available.

As to how the Government can better understand the expectation of the people of Hong Kong on West Kowloon, Secretary, this job is yours. The best way is to consult District Council Members more. District Council Members are the "thermometer" in the district. They definitely have a clear idea of what the people want; what art pieces the people want to enjoy; what culture the people want to cultivate. In this regard, I hope the Government will adopt the people-oriented approach and listen more to the views of the District Councils to allow the participation of people of all 18 districts.

I listened earlier to LEE Wing-tat's remark that a rather controversial proposal is put forward in his amendment. He requests the allocation of a portion of the revenue for financing the general public, students and non-profit-making operators to launch activities to promote and develop culture and arts initiatives. In his view, this is controversial but in my view, this is not controversial at all. The Government should exactly do this. What is controversial is only the percentage of the fund allocated. Why? The reason is that in order to sustain the long-term development of the WKCD, we must, in the long run, foster and explore the interests and hobbies of the people of Hong Kong, I mean in arts and culture. Interests and cultural attainments will not emerge out of the blue. They take time to nurture. In the case of nurturing, it is best starting at a young age and in school years. I listened earlier to the Secretary's remark that some adjustments and boosters have been made in the school curriculum. This is really good indeed. However, the Government needs to review from time to time. We cannot solely rely on one to two art lessons or the Fine Art course in the university to foster arts and cultural

accomplishments of the people of Hong Kong. We have to initiate students into arts and culture. Hence, I hope that the Secretary will communicate more with schools and jointly organize activities with them to arouse students' interest in arts and culture. Of course, to strengthen the training of teachers is also essential. Through the support of training, teachers can acquire more knowledge and more resources to help students explore and foster their interest in arts.

It is announced in the Policy Address this year the establishment of the Arts and Sport Development Fund. The annual returns of the Fund will be utilized to finance sport and cultural development. I think this is inadequate. In particular, this idea of "sharing the pie" is undesirable. Hence, I hope that the Secretary will consider LEE Wing-tat's proposal to allocate an appropriate portion of revenue for the long-term development.

In terms of economy, if the WKCD is a success, it will absolutely bring crowds of people and heaps of business opportunities. However, I hope that the Secretary will offer more opportunities to the small and medium enterprises to enter and station at the WKCD, and the malls and shops there will not be monopolized by large consortia.

Lastly, I would like to talk about the culture of the local community. Secretary, I hope that the preservation of the culture of the local community will be stepped up. It is because if not doing so, it will disappear. Foreign culture and arts can be imported. Hence, more space and opportunities must be given to the culture of the local community, such as the Yu Lan Festival celebration mentioned by Starry LEE earlier.

PRESIDENT (in Cantonese): Dr LAM, your speaking time is up.

MR RONNY TONG (in Cantonese): President, as many Honourable colleagues have already expressed their views on the WKCD's software, today I would like to put my focus on the hardware, especially the 20% residential sites in this cultural district.

President, to make it simple, culture is culture. Actually, what is it got to do with property development? Or perhaps some people want to make money from property speculation in the name of culture.

President, since the unveiling of the three Plans for the WKCD, property valuation has been undertaken by many surveying firms and it is expected that the prices of residential units in the WKCD will be extraordinarily high. Even Dr LAM Tai-fai has just said that he might not be able to afford it, so we can imagine how high the prices will be. In fact, the reasons for high valuation are just simple: good location, easy accessibility, and proximity to the Express Rail Link station and MTR stations. There will not only be cultural facilities but also green environment and public space. It is utterly the dream home of the rich. Moreover, things are precious only when they are rare. But I think choosing West Kowloon as the location of the cultural district has already pushed up the property prices in that area. As far as I know, the current average price per square foot is far more than \$15,000 and nearly up to or even over \$20,000. For an average price of \$20,000 per square foot, what kind of people can afford it? The Mainland compatriots or the richest few in Hong Kong? Does it mean that only a district with luxurious flats is deserved to be a cultural district? Or is this a cultural district only for the rich but not for the masses in Hong Kong?

President, nowadays under the hegemony of property developers, indeed, it is very difficult to resist the trend of high land prices and high-end properties. However, if we take a look at the Government's information, it is not difficult to note that the Government, through the sale of lands in the West Kowloon Reclamation, has so far raked in \$140 billion, which has nearly tripled the amount of \$50 billion estimated in 1992. Since 1992, that is, for 18 years, screen-like buildings have been built one after another along the west coast of Kowloon Peninsula, from Yau Ma Tei, Tai Kok Tsui to Sham Shui Po and Lai Chi Kok. For the so-called "Four Little Dragons" private residences in West Kowloon, that is, the Pacifica, Liberte, the Banyan Garden and Aqua Marine, which are the four housing estates developed by the redevelopment projects in Cheung Sha Wan and the area around Lai Chi Kok Dockyard, the price of a small two-room flat has risen to \$3.6 million. As Stephen CHEUNG, Chairman of the West Kowloon Cultural District Authority's Consultation Panel said, residents in West Kowloon have to take up a very important task, which is to enhance the vibrancy of the WKCD and prevent it from becoming a silent city with no trace of people when no performance is held. So in Chairman CHEUNG's opinion, the culture of Hong Kong can only be enriched by our luxury properties. I think many people do find this viewpoint a bit disgusting.

President, I do not oppose having residential developments in the WKCD. On the contrary, I think the integration of the WKCD with city life is an essential

element. However, can we enhance the vibrancy of a cultural district only by building luxurious flats?

President, during the last summer holiday, I visited the 798 Art Village in Beijing, which was established by a group of art creators at their own initiative. There are galleries, sculpture exhibitions, shops and cafes run by these artists. Though located in a residential area, which is actually an old district with relatively old buildings and schools, the art village has fully integrated into the local community. Students and residents in the area also visit the village where they can see exhibitions and spend their spare time at affordable prices. In Beijing, an art village as such is regarded as highly successful and has won overwhelming applause.

Chief Secretary for Administration Henry TANG, who is responsible for the WKCD project, has said more than once that the WKCD, instead of a site for property development or a white elephant, is a place for the Hong Kong people. Today, our Honourable colleagues also stress in their motions that the WKCD project has to tie in with the surrounding environment to ensure easy accessibility and satisfactory traffic connections, so that all the people in Hong Kong will be able to enjoy the cultural facilities in the district. As we have such a clear positioning, then can I ask one question: May Hong Kong people also live in the residences to be built in the WKCD? To put it in another way: Will the My Home Purchase Plan include some public housing estates in the WKCD for the middle-class or even grassroots? I believe all these are just castles in the air.

Anyhow, President, I am delighted to have heard that the Government will take back the responsibility to carry out residential development in the WKCD. But I hope that when planning the use of these 20% residential sites, the Administration, instead of following a mindset of integrating luxury properties into culture, will handle the project according to the mindset of integrating culture into city life and consider how to enhance the vibrancy of the WKCD by bringing some residential developments to the district. I absolutely do not wish to see a cultural district which is monopolized by the rich.

On the other hand, President, I must use the remaining few minutes to talk about the proportion of the shopping mall area. Mr Stephen CHEUNG has emphasized several times that this is not a property development project, but there are still worries over the shopping mall. President, we do not need one

more brand-name shopping mall. I think the mall should only be a place for public leisure and cultural activities instead of a luxurious project for the sole purpose of making money.

President, I hope this so-called "human" mindset for the WKCD will be followed in accordance with the criteria that can be accepted by the Hong Kong people. Thank you, President.

MR WONG KWOK-HING (in Cantonese): President, I would like to express my great gratitude to Dr Priscilla LEUNG for moving the motion on "Territory-wide participation in building the West Kowloon Cultural District". Regarding this motion, our Honourable colleagues have altogether moved seven amendments, in which not many changes are made on the front of local community economy and employment. I would like to show my appreciation to Dr Priscilla LEUNG for directly pointing out the need to provide more opportunities for local professionals and workers to participate in the WKCD project. With respect to this, I think no other amendments are required. However, I still want to elaborate my views on this point.

I am so delighted to have heard the Secretary's candid and further promise to accord priority to local people in the recruitment of workers for the project and to provide job opportunities for more than 10 000 local workers. Though we are so delighted to have heard this promise, still I would like to remind the Secretary of a few points, to which I hope the Administration would pay attention.

First of all, we eagerly hope that the WKCD project would be carried out in accordance with the approach adopted in building the existing Government Headquarters in Admiralty. The use of pre-cast units manufactured abroad should be avoided to the maximum extent, while the relevant construction and concrete works should also be undertaken in Hong Kong whenever possible, with a view to protecting job opportunities for local workers. Secondly, I hope the Government will note that the practice of multi-layer subcontracting should be prevented as far as possible because it will lead to unjust exploitation. This unjust practice, unable to facilitate the enhancement of productivity, will also cause many problems.

Thirdly, I hope the Government will pay attention to industrial safety, which is also related to the practice of multi-layer subcontracting. Some time

ago, in a skyscraper adjacent to the WKCD, a number of workers fell tens of storeys to the ground and died in a lift shaft. We do not want to see such an unfortunate incident happen again in the WKCD in future because any incident like this would leave an unpleasant memory in the mind of every Hong Kong people. Therefore, I hope the Government will pay more attention to this. In addition, regarding procurement, I hope the Government will select local enterprises for all types of procurement to ensure that more business and job opportunities will be created. What I have mentioned above are concerned with the construction period and I hope the Government will pay attention to these four points.

Then, I would like to talk about the operation period. I have just heard the Secretary say that in the early stage of operation, nearly 10 000 workers, or more than 9 800 people as he mentioned, will be profited, and that as many as 20 000 local workers will benefit from the project in the mature stage. With doubt, the WKCD, as an international cultural base of such a large scale, will become the centre of job appointment in Hong Kong. In fact, which place or district can create so many job opportunities? Here I would especially like to tell the Secretary that taking this into account, I hope the Government, with regard to the recruitment culture concerning this new landmark which we are going to be proud of, will note that all the operational departments have to do their best to promote the culture of permanent appointment in future, and that contract employment, out-sourcing, self-employment and casual jobs, that is, the appointment of the so-called casual workers, temporary workers or hourly-rated workers, should be avoided in this internationally renowned new landmark that we are proud of. I hope the Secretary will really put these four types of appointment on record, while the Government should avoid using these appointment methods and promote the culture of permanent appointment whenever and wherever possible. Why do I have to emphasize this point? Even if no permanent jobs can be offered, I hope the Government, instead of offering short-term contracts, can consider contracts with longer terms. For people in the cultural and creative field, in particular, cultural knowledge and competence has to be accumulated and sublimated for the exploration of innovative ideas and inventions as well as new discoveries and mentalities. However, if our cultural workers are not able to make ends meet, or if they do not know whether a contract will be offered to them the next day when they are playing erhu, or if they are uncertain about what will happen tomorrow when they start creating an artwork, then how can they successfully promote our culture?

Hence, I sincerely hope that the Secretary can pay attention to what I advocate. My worries are not unfounded. Currently various types of staff such as contract, outsourced and temporary workers are employed by the Leisure and Cultural Services Department (LCSD), and the number of these staff is even higher than that of the permanent employees. Even the LCSD adopts such a policy, not to mention the Information Technology Office under its jurisdiction, in which only 12 out of the 60 employees are permanent staff while the remaining 48 are all employed on contract terms. Therefore, I hope the Secretary, having listened to what I said, will promote the culture of permanent appointment when carrying out the WKCD project in future.

Thank you, President.

DR RAYMOND HO (in Cantonese): President, when we debated the Motion of Thanks earlier, I once mentioned about the development of the WKCD and urged the Government to speed up the implementation of that development project with a view to creating more job opportunities for local construction workers and professionals. As one of the major new city development projects and one of the 10 major infrastructure projects proposed by the Government, the WKCD project, once implemented, will bring about positive impact to the construction industry in Hong Kong and foster the development of the entire economy that even other industries will be benefited. In order to benefit more local small and medium contractors and construction companies whenever possible, the Government should consider splitting the construction works into smaller contract works.

I urged the Government to speed up the implementation of the WKCD development project not only for the sake of job opportunities and economy. It has been more than 10 years since the Government first introduced this project, and we have experienced many arguments during this period. It is believed that most of the citizens wish to see an early implementation of the project, which will offer them the real opportunity to enjoy the various benefits and facilities provided by the WKCD.

However, when speeding up the implementation of the development project, the Government should also attach importance to the overall planning and take heed of the opinions of the stakeholders so as to ensure smooth implementation and maximum benefits for the public. The WKCD is an

independent new development district that special planning is needed. However, as a part of Hong Kong, the WKCD, in terms of support facilities, should be connected to the traffic networks of the nearby areas, and consideration should also be given to the entire approach. In fact, accessibility will be one of the important factors in encouraging people from other districts to visit the WKCD.

On the other hand, to ensure that the WKCD will become a world-class landmark, apart from easy accessibility, its integration with the surrounding environment as well as the provision of support facilities is also of the same importance. Presently, the water quality of the harbour near the WKCD is very bad and there is frequent emission of foul smell. If no improvement is made, it will certainly have a negative impact on the WKCD. In addition to improving the water quality of the Victoria Harbour as soon as possible, the development of the WKCD should also be in compliance with the principle of environmental protection with a view to promoting emission reduction and low carbon living.

As for the development and design of the WKCD, uniqueness should be the focus. A cultural district should not only consist of museums, theatres, and arts and cultural facilities. The entire district should have an established theme, which preferably can reflect the characteristics of Hong Kong as a place where East meets West. We should do our best to accept different cultures in different arts fields. Regarding painting arts, for instance, we should attach the same importance to both Chinese and western paintings. As for performing arts, both regional Chinese opera and western opera deserve the same attention and promotion.

Apart from the promotion of traditional arts, local young artists should also be provided with some space and venues for art creation and relevant development. In an overseas duty visit to Spain in 2005, four Members and I visited Bilbao, a very famous tourist spot. The Spanish authorities, by carrying out some consolidation works, redeveloped some buildings which had been listed as dangerous into unique venues for young art workers, so as to allow them to engage in art creation of various forms such as painting and pottery at affordable cost. These venues, with their own characteristics, have even become centres for cultural exchange between local and foreign young artists within a short period of several years. This example has proved that instead of demolishing all the old buildings, we can make use of the existing resources or buildings to

achieve our goal. So the WKCD should also provide local young artists with venues, facilities, and eventually, the opportunity to show their talents.

President, the WKCD development should aim to fulfil the needs of Hong Kong people, and at the same time, reflect Hong Kong's characteristics as a place where East meets West. The successful implementation of the project will not only enhance the life quality of Hong Kong citizens, but it will also create a new landmark that can attract more people from different regions to visit Hong Kong. This will further enhance Hong Kong's characteristics as a meeting point of the Chinese and western cultures.

President, I so submit and support the motion.

MR JEFFREY LAM (in Cantonese): President, first of all, I would like to declare that I am a member of the West Kowloon Cultural District Authority (WKCD) Board.

President, the WKCD is located in the city centre of Hong Kong, and its development, just like a stone in our hearts, has been the concern of all Hong Kong people for more than a decade. I also think that the development of the WKCD is not only the business of the Government and the WKCD but also the business of the Legislative Council, and furthermore, it is also an issue concerning the arts and cultural sector as well as every Hong Kong people.

The WKCD aims to develop the WKCD into a regional cultural hub and an integrated arts and cultural district with high-quality cultural, entertainment and tourist programmes that will have great appeal to both local residents and tourists from all over the world. To achieve this vision, what we need is, as stated in the theme of today's motion debate, territory-wide participation in building the WKCD.

President, of course, apart from today's debate in the Legislative Council, the public can also express their visions and opinions on the WKCD through different channels and platforms. By drawing on collective wisdom and absorbing all useful ideas, it is believed that more relevant references can be offered to facilitate the work of the WKCD in future. The Board, as I believe, will seriously and humbly listen to people's views.

As early as 1998, the 40 hectare site for the WKCD was already planned to be used for the development of a cultural facility, aiming to create a Hong Kong label and a city landmark that the Hong Kong people will be proud of. However, as this was a site of concern to the community, different stakeholders, including the arts and cultural sector, the business sector and the public, all had different views on the issue. Some people even had doubts and worries over the project that finally we needed to give up the original design concept and conducted a public consultation all over again.

Since the establishment of the WKCDA by the Government in 2008, our work has started again with steady progress. In March this year, Mr Graham SHEFFIELD, who has rich experience in arts administration, was appointed by the Government as the Chief Executive Officer (CEO) of the WKCDA. During the several months after he assumed office, we have held a few meetings. Having worked with him, I found that he is a hard-working and capable person with enthusiasm and international vision. Besides, with his rich knowledge of the arts and cultural industry, he is believed to be the right person for the post of CEO who will lead the WKCDA to carry out all kinds of substantial tasks according to the planned schedule.

President, the three-month Stage 2 Public Engagement (PE2) exercise will end on the 20th of this month. It is believed that the WKCDA has collected many opinions on the three Conceptual Plan Options. All the three options are the masterpieces of the world-class planning design teams whose focuses and concepts are obviously different but equally impressive. In the present stage, it will be an important task for the Board to collate the opinions collected in the PE2 exercise and work out a professional option which reflects the public opinion in accordance with the actual situation and a professional design. Although it takes time to conduct the public engagement exercise, it is worth doing so because the exercise provides an opportunity for the public to really participate in the development of the WKCD.

President, many proposals in the original motion and the several amendments moved today are positive and worth the WKCDA's consideration. From hardware facilities and long-term arts policies to the nurturing of talents, the development of local economy as well as the provision of support facilities in surrounding areas, different aspects are mentioned in these proposals, of which many contain the expectations of Hong Kong people for the WKCD.

However, the WKCD does not only belong to Hong Kong people. In order to develop the WKCD into a meeting point of the Chinese and western cultures that will appeal to overseas tourists and Mainland compatriots, we have to look at the development project from a regional perspective. Now the site we selected is centrally located and easily accessible by air, sea and land transport. In fact, the same vision should be extended to the formulation of long-term arts and cultural policies as well as the provision of software and hardware facilities in future. The WKCDA, by integrating the characteristics of Hong Kong with the expectations of the international community, has to build a real cultural hub where the Chinese and western cultures meet.

President, as a Board member of the WKCDA, I will strictly follow the plans and schedules of the Board to work for the gradual implementation of the WKCD project. The WKCD site has been exposed to the sun for more than 10 years. Actually, it is not so good to absorb too much ultraviolet light. Therefore, same as many Hong Kong citizens, I eagerly hope that the WKCD can be completed and commissioned as soon as possible so that we can have another hot spot for entertainment, leisure, art appreciation and cultural experiences.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you may now speak on the seven amendments for up to five minutes.

DR PRISCILLA LEUNG (in Cantonese): President, cultural spots are everywhere, but we hope the WKCD will be one of the best. From the various amendments moved today, I can see that our Members actually share one common goal.

Ms Miriam LAU, who moved the first amendment, has particularly pointed out the intention to nurture the cultural and artistic qualities of the young

generations. Having heard her speak on software just now, I find that her proposals coincide with our views.

As for the amendment moved by Mr LEE Wing-tat, there are two points that I want to further elaborate. First of all, I have just mentioned that I have reservations about whether we should explore the allocation of 1% to 3% of the proceeds as special support. But as he said that his proposal was based on the reference to overseas experience I think we can explore this, or we might agree that this is a good approach in the future. Based on this principle, therefore, I agree to do this. He also mentioned in Item (l) that an independent Policy Bureau should be established to co-ordinate the cultural policies. In fact, we have already suggested the establishment of a cultural Policy Bureau in our proposal when we met Secretary TSANG Tak-sing last time. Mr Abraham SHEK who sits next to me has also indicated his wish to establish such a Policy Bureau for many times. But why did I not mention this in my motion? Actually, I want to leave some room for us to consider whether the establishment of an independent cultural Policy Bureau would really help improve the problem. I hope such a Policy Bureau, instead of being an overlapping establishment, would perform its real function. In this regard, I basically support the two points he mentioned in his amendment.

I largely support Mr James TO's amendment to the proposal on water quality mentioned in Item (c) of my original motion. Not long ago, the four of us in the Professional Forum visited the site and urged the Government to take useful measures to solve the problem of water pollution. I have just been back from Taiwan and found that its water pollution problem has obviously improved, thanks to the great efforts made by the last two mayors of Taipei in promoting environmental protection and water quality improvement. In fact, Mr James TO's proposal on this issue coincide with my views so that I fully support it. In Item (f) of the amendment, he proposes connecting the WKCD with MTR stations in Yau Ma Tei and Tsim Sha Tsui by trams, electrified buses and travellers. Again, I fully support this proposal, which is a complement to mine, that is, the proposal on a direct access connecting the MTR exits with the boulevard. Of course, I have to reaffirm my wish to provide the public with the facilities that will allow them to walk to the WKCD as far as possible, and these must be the facilities that they can fully use. I hope that once the citizens have stepped out of the MTR station, they can use the relevant facilities to walk to the

waterfront and the WKCD as far as possible. Besides, it would be even better if there are waterborne taxis across the waterfront.

Regarding Mr Alan LEONG's proposal on a significant reduction of the ratio of commercial and residential properties in the WKCD, frankly speaking, we will all agree to reduce the plot ratio, but is it necessary to have a significant reduction? It seems that some studies have to be conducted. I dare not say that I agree to have a significant reduction because he proposes so. But the reduction of plot ratio is definitely a good thing. Moreover, in Item (i) of his amendment, he mentions that there should be a connection between the WKCD and other local cultural rendezvous in order to prevent the district from becoming a cultural black hole. This is exactly what I have just mentioned in my speech, that is: we do not want the WKCD becoming a cultural settlement. In this regard, we actually share the same views.

Lastly, I would like to particularly talk about the consultation proposed by Ms Cyd HO. I think this is a good idea, but should it be called "Metropolitan Cultural Think-tank"? Actually, it is just a name. As for addressing the issue of environmental protection, I always think that the collaboration between the Government, the business sector and the public is necessary in order to enhance the effectiveness. As I have just said, to ensure the connectivity of the waterfront promenade, the co-operation of the business sector is required. We do not need any collusion between business and the Government, but what we can do is working hand in hand together. Regarding this proposal, I would like to render my full support.

Here I would like to thank our Honourable colleagues for giving so many valuable opinions. I hope you will vote for my original motion and all the amendments.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I would like to express my gratitude to the Members who have spoken.

In order to ensure the successful development of the WKCD into a first-class integrated arts and cultural district in the world, it is agreed that we have to achieve the following goals:

- (1) the WKCD must be a people-oriented cultural district truly for the masses;
- (2) to ensure the organic integration of international and local cultures, we need to attract first-class artists from the mainland and foreign countries to hold performances and exhibitions in the WKCD on the one hand, and leave enough room for the development and growth of the local culture on the other, with a view to helping the WKCD create its own characteristics and cultural brand;
- (3) sustainable development of the WKCD, in terms of environmental protection and operation approach, should be thoroughly considered; and
- (4) the arts and cultural elements of the WKCD, instead of being limited to cultural facilities, should be reflected in the planning and design of the entire district, so as to create a humanistic atmosphere that can even be extended to other areas outside the WKCD.

To adopt a people-oriented approach, the motivation of the arts and cultural sector, the community and the public to participate in the project is of the utmost importance because we do not only aim at the sustainable development of the WKCD, but we also go for the sustainable enhancement of the people's cultural quality.

From the formulation of the planning vision, the selection of the three Conceptual Planning Options to the decision on the final development plan, the maximum participation of the public is welcomed. Although the price is that we have to spend more time on the preliminary work, in return, there will be more public support for the implementation of the project in future.

With regard to the high-rise buildings, an issue of the Members' concern, according to the South West Kowloon Outline Zoning Plan (OZP), there are stepped height controls over the development of the WKCD, and the building height restrictions for different designated sites are ranging from up to 50mPD, 70mPD to 100mPD. These stepped height controls can enhance the harmony between the building height profile of the WKCD, the above-station development at the Kowloon Station and the development of the nearby old districts. The

WKCD's maximum plot ratio is 1.81. Comparing to that of the surrounding commercial and residential districts as well as the comprehensive development areas, which ranges from 4 to 12, this ratio is relatively low.

Undoubtedly, the WKCD is neither a property development nor a commercial project, but at the same time, residential and commercial development should not be regarded as contradictory to art promotion. The area of the residential development in the WKCD will not account for more than 20% of the gross floor area. The relevant requirement has been included in the OZP after an extensive consultation, and the three Conceptual Plan Options currently under public consultation are all in compliance with this requirement. The commercial, entertainment and catering facilities in the WKCD will be scattered across the district and integrated with the arts and cultural facilities, so as to create synergy and mutual benefits. Not only can this increase the people flow at different times, but it can also create income to cover part of the operation expenditure of the arts and cultural facilities.

What the WKCD aims to promote is a people-oriented attitude, a sustainable development approach based on the organic integration of arts and culture with the economy, a planning concept with the emphasis on green views, waterfront, public space and community integration, and also, green living.

President, again I would like to express my gratitude to all the Members who have spoken for their valuable opinions on the WKCD. Thank you, President.

PRESIDENT (in Cantonese): Ms Miriam LAU, I now call upon you to move your amendment to the motion.

MS MIRIAM LAU (in Cantonese): President, I move that Dr Priscilla LEUNG's motion be amended.

Ms Miriam LAU moved the following amendment: (Translation)

"To delete "," after "That" and substitute with "in recent years more and more people are concerned about the cultural and artistic development in

Hong Kong, and"; to delete "promote and popularize" after "art policy, and" and substitute with "start with the young generations by nurturing their cultural and artistic qualities, so that they may become audience of various cultural and artistic activities in the future; the relevant measures should include promoting and popularizing"; to add "etc.," after "basic education,"; and to add ", thereby upgrading the overall cultural and artistic qualities of the public" after "hardware facility in form"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Miriam LAU to Dr Priscilla LEUNG'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 LEE Wing-tat, as Ms Miriam LAU's amendment has been passed, you may now move your revised amendment.

MR LEE WING-TAT (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU be further amended by my revised amendment.

Mr LEE Wing-tat moved the following further amendment to the motion as amended by Ms Miriam LAU: (Translation)

"To add "; this Council also urges the Government to adopt measures on the following fronts: Local community economy and employment — (h) to train local administrative talents engaged in culture and arts, and offer scholarships for them to pursue overseas studies in art administration and venue management, so as to meet the demand for administrative talents after the completion of WKCD; (i) to develop local cultural and creative industries and attract private organizations to participate in the development of local culture and arts; (j) by making reference to overseas experience, to explore the allocation of 1% to 3% of the proceeds from land auctions in WKCD for financing the general public, students and non-profit-making cultural and arts operators with financial difficulties to launch activities to promote and develop culture and arts; Cultural policies — (k) to adopt a proactive policy stance on the development of culture and arts; (l) to enhance support for young arts workers by providing them with venues and sponsorship funds, including setting up arts studios in WKCD and renting out the studios to arts workers at lower rents, so as to encourage more young people to join the cultural and artistic industries; (m) to open more public space to street performers, so as to enable performing arts to enrich streets in Hong Kong, and relax the existing legislation on street performances, so as to encourage public arts to enter the communities; (n) to establish an independent policy bureau to handle cultural and arts affairs, co-ordinate the policies and resources presently scattered among other government departments, and explore and formulate territory-wide and regional policies as well as development strategies for culture and arts; and (o) to attract arts talents and operators from the Mainland and the Asian region through due planning, so as to enhance Hong Kong's status as an international city and nurture more arts talents" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr LEE Wing-tat's amendment to Dr Priscilla LEUNG'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 James TO, as the amendments by Ms Miriam LAU and Mr LEE Wing-tat have been passed, you may now move your revised amendment.

MR JAMES TO (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU and Mr LEE Wing-tat be further amended by my revised amendment.

Mr James TO moved the following further amendment to the motion as amended by Ms Miriam LAU and Mr LEE Wing-tat: (Translation)

"To add "; this Council also urges the Government to adopt measures on the following fronts: Support facilities in surrounding areas — (p) to expeditiously improve the air quality of the Victoria Harbour in the vicinity of WKCD, and the ageing problems in the surrounding old districts, including environmental hygiene and building safety, etc., as well as encourage the development of relevant cultural and artistic industries in the surrounding old districts, so as to give impetus to old district renewal and industry support, and at the same time improve the air quality of the New Yau Ma Tei Typhoon Shelter, relocate the outlets of flood relief channels far away from the Victoria Harbour, eliminate the

odour emitted from the Stonecutters Island Sewage Treatment Works and the West Kowloon Refuse Transfer Station, and improve the problem of illegal connections of flood relief channels in the urban area; (q) to tie in with the environment in the areas surrounding WKCD and avoid the construction of massive and high-density buildings, so that WKCD can integrate with the neighbouring communities or old districts socially, culturally and economically; and Accessibility — (r) to explore the connection of WKCD with MTR stations in Jordan, Yau Ma Tei and Tsim Sha Tsui by trams, electrified buses or travellers" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr James TO's amendment to Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU and Mr LEE Wing-tat be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Alan LEONG, as the amendments by Ms Miriam LAU, Mr LEE Wing-tat and Mr James TO have been passed, you may now move your revised amendment.

MR ALAN LEONG (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat and Mr James TO be further amended by my revised amendment.

Mr Alan LEONG moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr LEE Wing-tat and Mr James TO: (Translation)

"To add "; this Council also urges the Government to adopt measures on the following fronts: Cultural software — (s) to conduct continuous dialogues on arts with the local cultural and arts sector, seek to understand the characteristics of local arts organizations, draw on the collective wisdom, search for a direction for cultural and arts development with international vision for WKCD, and implement such a direction through artistic responsibility, so as to make WKCD a bright spot on the world map of arts; (t) to strengthen the connection between WKCD and other local cultural rendezvous, so as to avoid WKCD becoming a cultural dark hole; Ratio of commercial properties to residential properties — (u) to respond to the aspirations regarding urban development and design in society and drastically reduce the ratio of commercial properties to residential properties in WKCD, so as to avoid turning it into a project of shopping arcades and luxurious flats, and to provide culture workers with affordable workplaces or living places, so that the project can be more in line with the theme of WKCD; Accessibility — (v) to ensure the accessibility of the surrounding roads of WKCD after the completion of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, so as to enable Hong Kong people to share the cultural facilities in WKCD through the well-planned transport network; Financial arrangements — (w) to prudently use the public money of \$21.6 billion, enhance the transparency of financial operation, release expenditure estimates to the public, and formulate a contingency strategy for possible over-spending; and (x) to review the existing pay and fringe benefit arrangements of the WKCD Authority, so as to alleviate the impact of manpower wastage on the development of WKCD" 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 Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat and Mr James TO 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 Starry LEE, as the amendments by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO and Mr Alan LEONG have been passed, you may now move your revised amendment.

MS STARRY LEE (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO and Mr Alan LEONG be further amended by my revised amendment.

Ms Starry LEE moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO and Mr Alan LEONG: (Translation)

"To add "; this Council also urges the Government to adopt measures on the following fronts: Support facilities in surrounding areas — (y) to plan afresh the neighbouring areas, enhance the cultural features of the respective districts, and establish a regional network of cultural facilities with WKCD as the centre, so as to build an environment blending new and old cultures; Cultural software — (z) within the commercial facilities in WKCD, to reserve space for and invite some operators of unique businesses which have been affected by redevelopment to move in, so as to carry on the Hong Kong culture; (aa) to explore the formulation of

legislation on museums to deal with the lack of mechanism for monitoring the composition and operation of museums in Hong Kong at present, and to make up for the deficiencies of existing laws on heritage conservation, so as to assist the long-term development of museums and heritage conservation in Hong Kong; (ab) apart from the Xiqu Centre in WKCD, to also give full expression to the fine essence of the Chinese culture in regard to exhibition venues and performance projects, so as to step up the promotion of the Chinese culture; Support for local arts and cultural organizations — (ac) to make flexible use of the resources in the areas surrounding WKCD to provide more performance venues for local organizations, including offering incentives to encourage schools to open their venues for use by organizations, optimizing the use of vacant school premises, opening some parks and waterfront promenades on a periodic basis, and expediting the construction of community halls; and (ad) to establish resource centres on culture and traditions to display the origins and characteristics of local historic buildings and festivals for the purpose of education, promotion and passing on traditions, thereby nurturing arts professionals for WKCD and cultivating the cultural qualities of the public, as well as building the basis of territory-wide participation in WKCD" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Ms Starry LEE's amendment to Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO 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): Prof Patrick LAU, as the amendments by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG and Ms Starry LEE have been passed, you may now move your revised amendment.

PROF PATRICK LAU (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG and Ms Starry LEE be further amended by my revised amendment.

Prof Patrick LAU moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG and Ms Starry LEE: (Translation)

"To add "; this Council also urges the Government to adopt measures on the following fronts: Local community economy and employment — (ae) through the building of WKCD, to inject fresh impetus into the creative industries by capitalizing on Hong Kong's unique cultural characteristics, so as to facilitate the development of a creative economy; (af) to require that open architecture and design competitions of varying scales must be organized for all major construction works within WKCD, be they large, medium or small in scale, and ensure that both award-winning architects and other design professionals have opportunities to participate in the construction process to implement the designs of their works; (ag) to invite members of the public who have expressed their views on WKCD to give their responses again for reference by the WKCD Authority, and the Authority should expeditiously finalize the overall design blueprint; Support facilities in surrounding areas — (ah) to immediately commence the construction of infrastructural facilities in WKCD and the support facilities in surrounding areas; and (ai) to formulate legislation or design guidelines on the building of a healthy and refreshing community" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Prof Patrick LAU's amendment to Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG and Ms Starry LEE 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 previous amendments by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE and Prof Patrick LAU have all been passed, you may now move your revised amendment.

MS CYD HO (in Cantonese): President, I move that Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE and Prof Patrick LAU be further amended by my revised amendment.

Ms Cyd HO moved the following further amendment to the motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE and Prof Patrick LAU: (Translation)

"To add "; and Joint administration with the people — (aj) to establish a 'Metropolitan Cultural Think-tank' with the tripartite collaboration among

the Government, the business sector and the public to foster co-operation and partnership with the relevant policy bureaux, government departments, public sector organizations, various district councils and the cultural and arts sector, and hold public consultation meetings on the governance and operation of WKCD at least once a year" 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 Dr Priscilla LEUNG's motion as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE and Prof Patrick LAU be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you may now reply and you have 57 seconds.

DR PRISCILLA LEUNG (in Cantonese): President, I hope most strongly that the Secretary could pass a message to the Directors of the various Policy Bureaux, especially Secretary Eva CHENG, Secretary Carrie LAM and Secretary

Edward YAU, as well as the Secretary for Education, for the Legislative Council. If there is the opportunity, I hope they would really go to West Kowloon, particularly the disadvantaged areas, to take a look and examine how they should, within the scope of duty of their respective bureau, co-operate with the other bureaux to implement our motion and amendments today. I wish that one day we will be able to see a West Kowloon project which truly belongs to the Hong Kong people. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Priscilla LEUNG, as amended by Ms Miriam LAU, Mr LEE Wing-tat, Mr James TO, Mr Alan LEONG, Ms Starry LEE, Prof Patrick LAU and Ms Cyd HO be passed.

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

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 24 November 2010.

Adjourned accordingly at twenty-six minutes past One o'clock.

