

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 20 June 2012

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN

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

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

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

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

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

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE STEPHEN LAM SUI-LUNG, G.B.S., J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

DR THE HONOURABLE YORK CHOW YAT-NGOK, G.B.S., J.P.

SECRETARY FOR FOOD AND HEALTH

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

SECRETARY FOR DEVELOPMENT

MR YAU SHING-MU, J.P.

SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE GREGORY SO KAM-LEUNG, J.P.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE RAYMOND TAM CHI-YUEN, J.P.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

MISS ADELINE WONG CHING-MAN, J.P.

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND  
AFFAIRS

**CLERKS IN ATTENDANCE:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

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

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

### **TABLING OF PAPERS**

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

| Subsidiary Legislation/Instruments                     | <i>L.N. No.</i> |
|--|-----------------|
| Declaration of Increase in Pensions Notice 2012 .....  | 105/2012        |
| Widows and Orphans Pension (Increase) Notice 2012..... | 106/2012        |

#### Other Paper

Report No. 23/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

**PRESIDENT** (in Cantonese): Members, may I call your attention to two arrangements relating to the meetings.

First, I have decided that starting from today's meeting, each day, when it is time for lunch or dinner, the meeting will be suspended for about an hour to let Members have their meals. As regards today's meeting, I will suspend the meeting after the oral question time to let Members have their meals. As for the subsequent meetings, lunch time will start at about 12.30 pm and dinner time at about 6.30 pm. However, I will make slight adjustments having regard to the conduct of the meeting.

Second, as I pointed out to Members sometime ago, in recent meetings, some Members pointed out from time to time that a quorum was not present in

the Chamber, so it was necessary to ring the bell to summon Members back to the Chamber, thus making it impossible for the meeting to continue and causing the meeting to remain pending the presence of a quorum. Sometimes, after Members had heard the bell ringing, it took them some time to return to the Chamber, so the meeting often remained pending for quite a long time. Take yesterday as an example, the meeting began at 4.30 pm and ended at 10 pm. However, during this meeting that lasted five and a half hours, it was not possible to deal with business of the Council because the meeting was caused to remain pending the presence of a quorum for more than two hours during this period.

I had told Members before that since the remaining time for holding meetings would be quite limited but the business that had to be dealt with was enormous, so to prevent the pending of presence of a quorum from taking up a lot of time, I would consult Members on whether or not the meeting time each day could be extended appropriately to make up for the time lost.

Yesterday, I asked the Secretariat to consult Members' views and the finding was that there was not a distinct majority of Members who supported this measure. Added to this the fact that recently, apart from Council meetings, there are also meetings of the Finance Committee and other committees, the pressure of attending meetings on Members is actually very great. Take yesterday as an example, had the meeting hours been extended to make up for the more than two hours lost as a result of the meeting pending the presence of a quorum, we would have been able to adjourn the meeting only after midnight. Bearing in mind that the pressure on Members and the staff of the Secretariat may be too great, I will not implement the arrangement of time extension for the time being. We will still suspend the meeting as scheduled at about 10 pm.

## **ORAL ANSWERS TO QUESTIONS**

**PRESIDENT** (in Cantonese): Questions. First question.

### **Bus Routes Serving North District**

1. **MR IP WAI-MING** (in Cantonese): *Some residents of the North District in the New Territories have repeatedly relayed to me that due to a serious lack of direct bus routes connecting the district with Kowloon and Hong Kong Island,*

*they need to change to different means of transport several times in order to go to and return from the urban area, taking as long as 80 to 100 minutes on average to complete the journey. They have also pointed out that there is no direct overnight bus route running from Kowloon or Hong Kong Island to the North District at present, and there is only one "A" route to the airport area available in the district, causing serious inconvenience to the residents of the North District. In this connection, will the executive authorities inform this Council:*

- (a) of the details of the bus routes connecting the North District with Kowloon and Hong Kong Island, including the route numbers, origins, destinations, daily service hours, daily schedules and journey durations of the bus routes and set out such information in a table; whether the authorities will increase the number of bus routes connecting the North District with Kowloon and Hong Kong Island; if they will, of the details; if not, the measures put in place by the authorities to address the issue of the North District residents over-relying on rail transport to go to and return from Kowloon and Hong Kong Island due to the lack of bus routes to other districts;*
- (b) whether the authorities will consider introducing or running on a trial basis an overnight bus route from Kowloon or Hong Kong Island to the North District, so as to obviate the need for the North District residents to change to other means of transport at Sha Tin; if they will, of the details; if not, whether the authorities will review the policy on overnight transport for the North District in response to the geographical location of the district; and*
- (c) given that some residents of the North District have indicated that the franchised buses serving route A43 are their major means of transport to and from the airport, but the bus frequency of this route is low, fares are high, seats are not sufficient, and a journey lasts more than one and a half hours, whether the authorities will introduce a new "E" route charging lower fares to run between the North District and the airport area; if they will, of the details; if not, the measures put in place by the authorities to address the issue of low frequency and high fares of the franchised bus route running between the North District and the airport?*



**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, given the limited road space in Hong Kong and the community's concerns over the impact of road traffic on the environment, the Government's established transport policy is to develop environmentally-friendly and highly efficient railways as the backbone of Hong Kong's public passenger transport system, supplemented by feeder services provided by franchised buses and green minibuses (GMBs). Accordingly, we promote the full utilization of railway service and encourage members of the public to make use of the interchange arrangements for the public transport modes, thereby reducing the need to introduce long-haul and "point-to-point" franchised bus service.

In the meantime, the Transport Department (TD) has been continuously improving and rationalizing bus service to meet the demand of passengers and enhance the efficiency of the bus network. This is to minimize traffic congestion and roadside pollution as far as possible. Taking into account passenger demand and the actual situation, the TD implements bus service improvement and rationalization plans in various districts every year.

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

- (a) Currently, North District residents can connect and gain access to the whole railway network via the East Rail Line. They are also served by 33 franchised bus routes and 24 GMB routes providing intra-district service, feeder service and cross-district service. These include six franchised bus routes heading directly to districts such as Kwun Tong, Tsim Sha Tsui (TST), Central, Sheung Wan and Wan Chai, and so on. Details are at Annex.

As for the aspiration of North District residents for more bus service plying between the North District and urban Kowloon and Hong Kong Island, the TD and the bus company concerned have been examining the issue with the relevant District Councils (DCs) for making the best use of bus resources and meeting the needs of the passengers. In the bus route development programme of this year, the TD and the bus company concerned have put forward the following proposals to improve bus service between the North District and the urban areas:

For transportation to urban Kowloon, following consultation with the relevant DCs and with effect from 10 June 2012, Route 270A of The Kowloon Motor Bus Company (1933) Limited (KMB) originally plying between Sheung Shui and Kowloon MTR Station has been re-routed via Nathan Road and Salisbury Road and has its terminus at Kowloon MTR Station relocated to TST East. This is to facilitate North District residents' direct access to TST. To tie in with the aforementioned re-routing, the terminus of the morning peak-hour departures from Sheung Shui to China Ferry Terminal of KMB Route 270P has also been extended to Kowloon MTR Station.

For transportation to Hong Kong Island, following consultation with the North DC, the TD intends to carry out a feasibility study on the operation of whole-day cross-harbour bus service from the North District to Hong Kong Island. In addition, the TD proposes to strengthen the existing bus service, including introducing afternoon peak-hour departures of KMB Route 373A from Wan Chai to Fanling and extending its service hours in the morning on Mondays to Fridays. The TD is discussing the implementation details with the bus company concerned.

- (b) The provision of overnight franchised bus service is mainly to facilitate passengers commuting between urban areas and their residing districts very late at night. However, as the patronage of overnight service is generally lower, bus companies should concentrate their resources on the provision of service for road sections with the greatest passenger demand. They may therefore not be able to provide each individual district or housing estate with direct "point-to-point" service.

At present, North District residents can take KMB Route N270 after midnight for travelling between Sheung Shui and Shatin Town Centre. They can then interchange with Route N170, which provides overnight service jointly by KMB and Citybus Limited, to and from Hong Kong Island or the overnight KMB Route N271 to and from Kowloon. The bus company also offers bus-bus interchange (BBI) concessions to passengers interchanging between Route N270 and Route N271. Meanwhile, passengers of the North

District may take the two overnight GMB routes commuting directly to and from Mong Kok and Kwun Tong.

When considering whether to provide new overnight public transport service, the TD will assess various factors, such as passenger demand, existing arrangements of overnight public transport service, cost-effectiveness of the proposed service, and the impact on other public transport service, and so on.

Against the above factors, the TD does not have any plan for the time being to introduce an overnight bus route plying directly between North District and the urban areas. Nevertheless, the TD will further explore with the bus company concerned the feasibility of the proposal in formulating the bus route development programme in the coming year.

- (c) Currently, North District residents can take Route A43 of Long Win Bus Company Limited (LWB) for journeys to and from the airport. Route A43 has a peak headway of 15 to 20 minutes and an off-peak headway of 20 to 30 minutes. Separately, to facilitate passengers working at the Cathay Pacific City area at the airport, some trips of Route A43 are already detouring around the Cathay Pacific City area in the morning.

Regarding North District residents' aspiration for alternative bus routes with lower fares for journeys between the North District and the airport, the TD and the bus company concerned have looked into the matter. However, given that Route A43 still has spare capacity during peak hours, introducing a new "E" route will lead to a waste of resources and bring pressure on bus fares. A more feasible option is to provide passengers with additional fare concessions and BBI concessions. At the moment, North District residents taking Route A43 may interchange at the Lantau Link Toll Plaza to six LWB "E" routes for free onward journeys to Tung Chung, the airport's cargo and catering areas or the AsiaWorld-Expo. On their return trips, passengers of LWB "E" routes may interchange with Route A43 by paying the fare differential only.

In response to North District residents' requests, the LWB has committed to introducing a number of new fare concession schemes upon the commencement of its new franchise on 1 May 2013. Those which can directly benefit North District residents include the provision of a 20% return trip fare discount for airport staff taking Route A43. Separately, to facilitate residents of Tin Ping Estate and Ching Ho Estate in Sheung Shui to travel to and from the airport, there will be a new BBI scheme under which passengers taking Route A43 may interchange with KMB Routes 73, 270 and 273B at discounted fares.

Taking into consideration the abovementioned arrangements, Route A43 should be able to meet the transport needs of North District residents to and from the airport and Tung Chung. We will continue to closely monitor North District residents' demand for bus service between the airport and Tung Chung, and explore with the bus company concerned further improvements to the service where necessary.

Annex

Franchised bus routes  
directly between North District and Kowloon and Hong Kong Island  
(as at 15 June 2012)

| <i>Route No.</i> | <i>Terminating points</i> |                     | <i>Operating hours on weekdays</i>                       | <i>Headway on weekday</i>  | <i>Journey Time</i> |
|------------------|---------------------------|---------------------|--|--|---------------------|
| 70X              | Sheung Shui               | Kwun Tong           | From Sheung Shui: 0530-0030<br>From Kwun Tong: 0540-0030 | From Sheung Shui: 12-25 minutes<br>From Kwun Tong: 15-25 minutes | 94 minutes          |
| 270A             | Sheung Shui               | TST                 | From Sheung Shui: 0542-2300<br>From TST: 0615-0020       | From Sheung Shui: 10-20 minutes<br>From TST: 10-20 minutes       | 80 minutes          |
| 270P             | Sheung Shui               | Kowloon MTR Station | From Sheung Shui: 0715 and 0730                          | Two departures during peak hours                                 | 80 minutes          |

| <i>Route No.</i> | <i>Terminating points</i> |            | <i>Operating hours on weekdays</i>  | <i>Headway on weekday</i>                                  | <i>Journey Time</i> |
|------------------|---------------------------|------------|---|--|---------------------|
| 277X             | Fanling                   | Kwun Tong  | From Fanling: 0530-0030<br>From Kwun Tong: 0540-0030  | From Fanling: 3-15 minutes<br>From Kwun Tong: 4-20 minutes | 75 minutes          |
| 373              | Sheung Shui               | Sheung Wan | From Sheung Shui: 0645, 0700, 0715 and 0730<br>From Sheung Wan: 1740, 1800, 1820, 1840, 1900, 1920 and 1940 | 11 departures during peak hours                            | 100 minutes         |
| 373A             | Fanling                   | Wan Chai   | From Fanling: 0645, 0700, 0715, 0730, 0745, 0800, 0815 and 0845   | Eight departures during peak hours                         | 90 minutes          |

**MR IP WAI-MING** (in Cantonese): *President, the main reply still talks about promoting the use of railway services in the hope of obviating the need to establish long-haul and "point-to-point" franchised bus service. However, President, we believe that basically, the East Rail line has reached full capacity and often, even residents living in the Sheung Shui and Fanling area find it quite difficult to board a train because a lot of people have moved to Shenzhen and some passengers coming here under the Individual Visit Scheme also cross the boundary early in the morning. In fact, it is already very difficult for residents in the Sheung Shui and Fanling area to take a train, find a seat or squeeze into the train compartments, so there is a great demand for "point-to-point" bus service but the Secretary's reply still says it is hoped that something can be done in the context of railways. Given that railway service has already reached full capacity .....*

**PRESIDENT** (in Cantonese): Please come to your supplementary question direct.

**MR IP WAI-MING** (in Cantonese): *..... may I ask the Secretary if he still wants to cling to an outdated idea and insist that residents must use railways*

*instead of considering the introduction of "point-to-point" bus service? At present, residents are opposed to the Government's overreliance on railways.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Basically, railway service is the backbone of our passenger transport system. We mainly rely on the railway, which is a most effective mode of transport, to enhance transport efficiency and reduce roadside pollution caused by vehicles. Of course, we understand that in some road sections or time slots, the passenger volume of railways may be higher, so regarding passenger volume, in particular, the passenger volume of buses, the TD has a set of objective criteria for determining if it is necessary to introduce additional bus routes or increase bus frequencies during peak hours or conversely, if it is necessary to cancel some bus routes or reduce frequencies at certain times.

Under the existing arrangements and guidelines, we have had discussions on some situations in the North District and the relevant arrangements with the North DC and the residents concerned. In fact, each year, we would carry out consultation on the improvement and rationalization of bus services and listen to the views of residents and District Councils in this regard.

**MR IP WAI-MING** (in Cantonese): *What I asked the Secretary just now was: Will more "point-to-point" bus service be introduced if the railway has reached full capacity?*

**PRESIDENT** (in Cantonese): Mr IP, you are voicing your views and the Secretary can hear them. Moreover, the Secretary has already given you a reply having regard to the Government's existing policy. If you disagree with it, you have to follow up through other channels.

**MR CHAN HAK-KAN** (in Cantonese): *I wish to ask a question about policy. At present, the Government's policy of "according priority to railways" has deprived many residents of the New Territories of the right to choose other modes of transport. President, for example, in the North District, there is not a single whole-day bus route that connects the district with Hong Kong Island. In*

*contrast, I have made a tally and found that in Tin Shui Wai, which is equally remote and also served by railways, there are nine bus routes providing whole-day service or during peak hours.*

*May I ask the Secretary why North District residents are treated so unfairly? Why does he promote the hegemony of railways?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): In fact, the railway connection for the North District is quite good. We have introduced a sufficient number of bus routes to serve North District residents during peak hours. Not only have arrangements been put in place in respect of feeder bus service, during the peak, there is also "point-to-point" bus service that takes residents to the urban area direct.

As I said just now, the TD has a set of objective criteria to gauge the passenger volume of bus service and the demand of the public. When a certain level is reached, the TD will hold discussions with bus companies on increasing frequencies or making changes to some routes.

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

**MR CHAN HAK-KAN** (in Cantonese): *The Secretary has not given a reply on why, in the case of Tin Shui Wai, there are two whole-day bus routes and one overnight bus route plying between Tin Shui Wai and Hong Kong Island. Why is there not a single route for the North District, which is similarly remote? Is this being unfair?*

**PRESIDENT** (in Cantonese): Secretary, can you comment further on the reason for not providing whole-day bus service to the North District?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, just now, I said briefly that the TD and the North DC are conducting a

feasibility study on the provision of a whole-day cross-harbour bus service running between the North District and Hong Kong Island. In fact, some effort is being made in this regard.

**MR WONG SING-CHI** (in Cantonese): *President, the Secretary said in part (b) of the main reply that "the patronage of overnight service is generally lower" but the number of passengers travelling from Mong Kok to the North District or Tai Po District is very large. I wonder if the Secretary has ever made any site visit but I have done so before and found that at 3 am or 4 am, there were still more than 100 people waiting for minibuses there and at the peak, there were over 200 people waiting there. Therefore, a demand actually exists.*

*May I ask the Secretary if he will go to Mong Kok personally to look at how members of the public took minibuses back to the North District late at night, so that he can choose between minibuses and public buses, so as to enable North District residents to go home easily late at night? Will a survey be conducted and will follow-up actions be taken?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, concerning the situation mentioned by Mr WONG, I have also looked into this matter. However, we found that generally speaking, there are indeed fewer passengers taking overnight buses compared with other times of the day and bus companies would also concentrate their resources on providing service in major road sections, so as to enable members of the public concerned to go home late at night.

Mr WONG pointed out specifically the situation in Mong Kok. We also noticed that there is indeed some demand there but we found that for some time in the past, there has not been any significant increase in demand. We believe the existing service can already meet the demand of the public.

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



**MR WONG SING-CHI** (in Cantonese): *I asked the Secretary if he has ever made a site visit personally? All of us know about the situation. I only hope that the Secretary can go there and take a look in person.*

**PRESIDENT** (in Cantonese): Secretary, the Member is asking you if you have ever made any site visit in person. Do you have anything to add?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I have made enquiries with colleagues to gain a full understanding of the situation. Of course, if necessary, I am willing to make a site visit to understand the situation there.

**MR ALAN LEONG** (in Cantonese): *President, I wish to ask a supplementary question that is very simple and direct. I hope the Secretary can give me a simple and direct answer. Does the SAR Government have any policy of "attaching importance to railways and reducing the role of buses"?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, as I pointed out in my main reply, the current transport policy basically uses railways as the backbone of the public passenger transport system and bus service mainly provides feeder service or long-haul and "point-to-point" service. At present, the public mainly use railways, which handle about 40% of the daily passenger volume.

**MR LAU KONG-WAH** (in Cantonese): *President, many districts on Hong Kong Island and in Kowloon and the New Territories are served by "A" and "E" bus routes and the fares for "A" routes are more expensive, while those for "E" routes are cheaper. However, the only exception is the North District, which is served only by an "A" route but not any "E" route. The Secretary said that passengers may interchange to "E" routes at the Lantau Link Toll Plaza, but this is actually meaningless because the fares are still very expensive.*

*For this reason, may I ask the Secretary if an additional "E" route will be introduced, since residents of the North District have already raised this issue many times? Otherwise, when passengers change buses, should they just pay the fares for "E" routes? This would be more reasonable.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): On airport bus service, "A" routes provide direct and more comfortable bus service to the public but "E" routes run through more places, for example, Tung Chung and the airport cargo area, before going to the passenger terminal, so the fares are relatively speaking cheaper. If it is proposed that route A43 be cancelled and replaced by an "E" route, this would make the route circuitous and lengthen the bus journey, so this would have a greater impact on passengers who need to go to the airport direct and affect service frequency and existing passengers.

At present, North District residents can take route A43 to the Lantau Link Toll Plaza and take the six "E" routes operated by the LWB to Tung Chung and the airport free of charge. Just now, I also pointed out in the main reply that upon the commencement of the new franchise of the LWB on 1 May next year, it would provide a 20% return trip fare discount to some passengers taking route A43, particularly to airport staff, and the KMB will also introduce BBI schemes in other areas, and in particular, for the Northern District on route A43. These concessions will serve to reduce the public's burden arising from transport fares.

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

**MR LAU KONG-WAH** (in Cantonese): *The Secretary did not get my supplementary question at all and he was only preoccupied with reading out the answer in the prepared script. I did not at any point talk about cancelling the "A" route. I only talked about keeping the "A" route but at the same time, should an additional "E" route also be introduced, or should passengers interchanging from an "A" route bus be allowed to just pay the fare for an "E" route when they interchange to an "E" route? This is the supplementary question asked by me just now. It is not the answer on the script of the Secretary that I want to know about.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, concerning Mr LAU's supplementary question, his proposal would increase the operating costs of the bus company concerned and in the long term, this would be reflected in the fares charged. My explanation just now was: We think that fare concessions can help the public in a more direct manner.

**PRESIDENT** (in Cantonese): Second question.

### **Government Land Formerly Used as Shipyards in Ap Lei Chau**

2. **MR ALAN LEONG** (in Cantonese): *President, it has been reported that the shipyards on the Government lands at Ap Lei Chau Praya Road have since 2007 moved out one after another upon receipt of compensation from Sun Hung Kai Properties Limited (SHKP), but the Government lands have not been returned to the Government, and they have instead been taken over by Cheerjoy Development Limited (Cheerjoy), a subsidiary of SHKP, in accordance with an agreement. It has also been reported that the company pays for the removal costs of the shipyards on the pretext of "assisting the tenants to plan for restructuring or cessation of business", and it is mentioned in the agreement that "Party A (that is, Cheerjoy) is the legally authorized person of Party B (that is, the shipyard)", "Party B confirms that Party A may apply to the Government for granting to Party A or its designated persons the use of any shipyard, or any part thereof, of any tenant who has moved out", and "Party B hereby expressly agrees not to raise objection in respect of such application or approval". Cheerjoy may also "deliver vacant possession to the Government at any time and in any manner determined at its sole and absolute discretion". In addition, the shipyard sites are already enclosed by wire fences, fitted with "Private Land, No Trespassing" warning signs, as well as manned and patrolled by security guards who claimed to be hired by SHKP. Some shipyard tenants had asked the Lands Department (LandsD) whether they could rent the slipways next to the shipyards, but the LandsD advised them to ask SHKP. In this connection, will the Government inform this Council:*

- (a) *whether SHKP or Cheerjoy has communicated with the Government in respect of the aforesaid shipyard sites; whether the Government knows the details of the aforesaid agreement or other removal*

*agreements signed between SHKP or Cheerjoy and the tenants who have moved out; if there is no agreement, why the sites are enclosed by wire fences, fitted with "Private Land" warning signs, as well as manned and patrolled by security guards hired by SHKP after the removal of the shipyards, and why the LandsD staff told the aforesaid tenants that they should contact SHKP to inquire about the rental of the slipways;*

- (b) *given that in response to media enquiries, the LandsD indicated that individual shipyard tenants had proposed to terminate the leases, and the LandsD was following established procedures to resume the sites, how many sites vacated by the aforesaid shipyards have been resumed by the LandsD so far, of the details of the land resumption, how many sites vacated by the shipyards have not yet been returned to the LandsD but are enclosed by wire fences and fitted with "Private Land" warning signs; and whether there are sites vacated by the shipyards which have not been returned to the LandsD and in respect of which no Government rent has been paid; if so, of the details; if not, the reasons for that; and*
- (c) *how the LandsD will deal with the resumed shipyard sites; whether open tenders will be called to enable persons interested in operating maintenance shipyards to use the sites, or whether their land use will be changed to open space?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, the Government land along Ap Lei Chau Praya Road referred to in the question provides altogether 33 Short Term Tenancy (STT) sites, amongst which 29 are for shipyard use and four are for sawmill use. The relevant STTs stipulate that the sites are for the abovementioned specific uses only, while sub-letting by these tenants is not permitted. In the event that the tenants no longer rent these sites, they may serve Notices to Quit (NTQ) to the District Lands Office/Hong Kong West and South (DLO/HKW&S), which would obtain possession of the sites after confirming that the tenants have performed their relevant responsibilities under the STTs (such as clearing the structures at the sites). Moreover, should the DLO/HKW&S discover and confirm that the shipyards and sawmills at the

relevant sites have ceased operation, NTQ could be served and appropriate action could be taken to obtain possession of the sites.

At present, the DLO/HKW&S has obtained possession of two out of the 33 STT sites in accordance with established procedures. There are another 14 tenants who have served NTQ to the DLO/HKW&S. It is expected that the DLO/HKW&S can obtain possession of six of these sites in end this month and eight others in end August. The DLO/HKW&S has also discovered that the shipyards at another three sites may have ceased operation. It is in the course of contacting the relevant tenants, and action will be taken to terminate the STTs and obtain possession of the sites if it is confirmed that operation has been ceased. Operation remains in the shipyards and sawmills at the remaining 14 STT sites.

My reply to the three parts of the question raised by Mr LEONG is as follows:

- (a) The DLO/HKW&S is never aware of any agreement between some of the STT tenants mentioned above and Cheerjoy or SHKP, nor has the DLO/HKW&S received any agreement entered into between Cheerjoy and the tenants mentioned in the question. The DLO/HKW&S' communication with Cheerjoy is limited to the company informing the DLO/HKW&S that it will represent six of the tenants of the abovementioned 14 sites to be returned to the Government soon in handling the relevant arrangements. There are also two other persons informing the DLO/HKW&S that they will represent the tenants of the remaining eight sites in handling the relevant arrangements. I would like to point out that the STTs remain valid before the sites are returned to the Government, and authorization of other persons or organizations to handle matters concerning the STTs on their behalf does not breach the STT conditions.

The STTs remain valid before the 14 sites are returned to the Government, and tenants shall continue to pay rent and can make other arrangements (such as security). Enclosing the sites by wire fences and erecting "Private Land" signs are not in contravention of the STT.

Also, the LandsD indicates that its staff did not advise any person to contact SHKP or Cheerjoy if they wish to rent the sites.

- (b) As mentioned just now, the DLO/HKW&S has already obtained possession of two STT sites in the area, while expecting to obtain possession of six other sites in end this month, and another eight in end August. Tenants are still required to pay rent until the DLO/HKW&S obtains possession of these 14 sites, and there is at present no outstanding rent situation.
- (c) Regarding the two sites already returned to the Government and the six sites to be returned to the Government in end this month, totalling eight sites, the DLO/HKW&S is consulting the views of relevant Bureaux and Departments with regard to letting out these sites for shipyard use, so as to determine the content of the STTs to be re-tendered.

**MR ALAN LEONG** (in Cantonese): *President, I am very disappointed that the Secretary's main reply is particularly ambiguous about some questions about time. For instance, the Secretary pointed out in her introduction that the DLO/HKW&S had obtained possession of the 33 STT sites in accordance with established procedures. But when did the Government obtain possession of the sites? It is now reported that some people have been making exits since 2007 or, as indicated by the Secretary in the fourth line of part (a) of the main reply, the DLO/HKW&S' communication with Cheerjoy is limited to the company informing the DLO/HKW&S that it will represent six of the tenants of the abovementioned 14 sites to be returned to Government soon in handling the relevant arrangements. But when did such communication take place? The Secretary's ambiguity impressed me that she was evading the question.*

*Nonetheless, President, the Secretary indicated that the Government was previously unaware of any agreement between SHKP and Cheerjoy, but now she should have already learnt about it from my question, even if she has not read the weekly magazines. May I ask the Secretary whether she has approached these STT tenants for the agreements they had entered into with Cheerjoy? In particular, has she read one of the terms reportedly included in the agreement, as cited in the question, that Cheerjoy may "deliver vacant possession to the*

*Government at any time and in any manner determined at its sole and absolute discretion"? This will actually turn the Government's counterpart from the STT tenants into Cheerjoy.*

*Is the Secretary interested in following up this matter?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, first of all, I hope Mr LEONG can understand that our reply to an oral question must be very concise because the President has recently required that the length of a main reply can only be around seven minutes. Hence, I was not being ambiguous; I was only providing a reply depending on the question asked. Otherwise, my reply will exceed seven minutes. I will be very pleased to provide information after the meeting should Mr LEONG require a clear explanation regarding who will answer and who will make the move.

Furthermore, the entire question is based on reported information. Although I will sometimes read weekly magazines and newspapers, I will not base my routine work on some weekly magazines read. Instead, I will read government papers or files.

I am going to answer Mr LEONG's question. As stated clearly in my main reply, authorization, which is permissible in the STTs, is not in contravention of the STT conditions. But since Mr LEONG has raised this issue or it has been reported in newspapers, the DLO/HKW&S has taken action. After the publication of this report, we made a formal enquiry with the relevant tenants regarding whether they have authorization papers and whether they have authorized a certain company as their representative. We are still waiting for their reply at the moment. But still, I hope Mr LEONG can understand that there are two parties to these STTs, with one being the lessees, and the other being Government as the landlord. Any actions taken regarding the STTs are directed at the lessees. Even though someone had claimed to be the representative for a period of time, each and every one of our letters was addressed to the tenants, not the person who claimed to be the representative.

**PROF PATRICK LAU** (in Cantonese): *President, I would also like to ask the Secretary a question regarding the third paragraph of the main reply. In fact,*

*the activities of the shipyards and sawmills on these sites appear to be on the decline. May I ask if the authorities have made new planning for these sites to be developed as waterfront land?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, if I have not heard him wrong, Prof LAU seemed to suggest that these activities were on the decline, but actually they are not. Why did we intend lately to re-tender the eight sites returned to us in the form of STTs for shipyard use? It was because we have received some views — including those of the Transport and Housing Bureau — that there is still a need to retain these marine support facilities to facilitate the maintenance of local small vessels. Despite a possible drop in the number of fishing vessels, there is a rise in the number of yachts. Hence, these industrial sites situated at Aberdeen Harbour for vessel maintenance have a retention value. This is the first part of my reply.

The other part of the question is: Has consideration been given to using the relevant land as open space? In fact, the Town Planning Board (TPB) received in 2010 and 2011 respectively two applications for rezoning the Ap Lei Chau shipyard sites from industrial land into land for other designated purposes to be marked as open space and shipyard land. Nevertheless, after departmental consultation, including consultation with the Transport and Housing Bureau, the TPB raised objection to these two applications.

**MR ALAN LEONG** (in Cantonese): *President, I certainly understand that, insofar as the two parties of the STTs are concerned, the Government is the landlord and the lessees are its counterpart. This was why I had raised that question. Let me put the question in another way. In the introduction to the main question, I quoted one of the terms of the agreement between Cheerjoy and the lessees as follows: "Cheerjoy may also deliver vacant possession to the Government at any time and in any manner determined at its sole and absolute discretion".*

*President, may I ask the Secretary if this is actually stated in the agreement — since she is trying to obtain this agreement — if it is found after obtaining the agreement that there is really such a term, does it mean that the tenants have breached the STTs signed between them and the DLO/HKW&S on behalf of the*



*Government? This is because the time and manner of delivering vacant possession to the Government will be dealt with by someone who is not the Government's original counterpart.*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, concerning land tenancy control, as the landlord, we basically attach importance to several aspects: First, whether the use for which the STTs granted by us are still being used for their original purposes; second, whether the businesses are still in operation; and third, whether there is any sub-letting. These three major areas of control are already stipulated clearly in the STTs. Hence, we must have evidence rather than sole reliance on alleged information. I must have evidence to show whether there is any contravention of STTs in the three areas I mentioned just now. If the tenants are found to have breached the terms of the STTs, the DLO/HKW&S will definitely take action to enforce the STTs.

**PRESIDENT** (in Cantonese): Third question.

(Mr Alan LEONG stood up)

**PRESIDENT** (in Cantonese): Mr Alan LEONG, do you wish to further follow up your question?

**MR ALAN LEONG** (in Cantonese): *Yes, President. The Secretary said that, in compliance with the instruction from you, President, she would limit her reply by all means to seven minutes. The President will certainly be pleased. Nonetheless, I would like to give the Secretary more time because it appears that no other colleagues are interested in raising questions now. In the same vein of the question I raised just now, may I ask when the two incidents actually happened? The Secretary mentioned in the second paragraph in page one that the DLO/HKW&S had obtained possession of two of the STT sites in accordance with established procedures. When did the Government obtain possession of the sites? Has the Secretary noticed that the two sites have been enclosed by wire fences? As regards my second question concerning the communication between Cheerjoy and the Government, when did such communication take place?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, although I have some detailed information on hand, I am afraid I cannot give a prompt response to Mr LEONG regarding the actual dates he wishes to know. Please allow me to give a reply in writing. (Appendix I)

**PRESIDENT** (in Cantonese): Third question.

### **Hazards Generated by Rooftop Transmitters of Telecommunications Operators**

3. **MR WONG KWOK-HING** (in Cantonese): *President, it has been reported that a large number of telecommunications transmitters (transmitters) have been installed at the rooftops of some residential buildings by various telecommunications operators, and some flats in these buildings have even been converted into machine rooms which operate non-stop round the clock. The residents concerned are worried that the electromagnetic radiation generated by these transmitters may pose health risks, and such installations and machines may affect the structure and electricity load of their buildings. In this connection, will the Government inform this Council:*

- (a) *whether the authorities compile statistics on the number of transmitters installed at the top floors and the rooftops of residential buildings at present; of the number of residential buildings with more than one transmitter installed; of the procedure for the authorities to vet and approve applications for the installation of radio base stations in residential buildings at present; whether the authorities will consult the relevant government departments (including the Electrical and Mechanical Services Department, Home Affairs Department, Buildings Department (BD) and Architectural Services Department, and so on) and conduct on-site inspections, consult the affected residents and assess the impact of electromagnetic radiation on the residents, and so on, before approving these applications; if they will not, of the reasons for that;*
- (b) *whether the authorities at present impose any limit on the level of radiation generated by transmitters in residential buildings; if they*

*do, of the limit on the level; if not, the reasons for that; of the number of complaints received by the authorities in the past three years about the electromagnetic radiation emitted from rooftop transmitters and installations in residential buildings; the follow-up actions taken by the authorities upon receipt of such complaints, whether they will take on-site measurement of the radiation level and request removal of the transmitters in question; if they will, of the total number of transmitters and installations so removed upon request in the past three years; and*

- (c) *regarding the aforesaid case, why the authorities approved more than one telecommunications operator to install several transmitters at the same location and expose the residents to radiation over a prolonged period; whether the authorities took into account the impact of the installation of several transmitters on the residents and their buildings when they vetted and approved these applications; whether the authorities will review the current mechanism for vetting and approving these applications (for example, various relevant government departments collaborating in handling these applications, assessing the health risk posed by electromagnetic radiation to the residents from a medical perspective, enhancing transparency in the vetting and approval of applications, as well as consulting residents); if they will not, of the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, to provide continuous and good communications services to the public, mobile network operators have to install radio base stations throughout the territory in accordance with their operational needs. Before installing radio base stations on rooftops, the operators must ensure that their proposed stations comply with the relevant requirements in respect of radio interference, radiation safety, planning and land use restrictions, structural safety, and so on, in addition to seeking the agreement of the owners or managers of the buildings concerned. Also, they have to obtain approval from regulatory bodies such as the Communications Authority (CA), Town Planning Board (TPB), BD and Lands Department (LandsD) as appropriate.

On the three-part question, we have consulted the bureaux and departments concerned, and my reply is as follows:

- (a) Currently, there are over 26 000 radio base stations in Hong Kong, of which about 60% are installed on the rooftops or external walls of buildings. We, however, do not have the respective numbers of base stations installed on the rooftops of residential buildings and commercial buildings.

Pursuant to the licence conditions of the unified carrier licence/mobile carrier licence issued under the Telecommunications Ordinance, before installing a base station for the provision of telecommunications services, an operator must seek the CA's approval by ensuring that the base station complies with the technical requirements on radio interference and radio-frequency radiation safety.

Moreover, as I have mentioned at the beginning, the proposed base station must comply with the requirements of other regulatory bodies in respect of planning and land use restrictions, structural safety, and so on, and approval must be obtained from regulatory bodies as appropriate. According to the one-stop application arrangement introduced in September 2009, when submitting an application for the installation of radio base stations to the Office of the Communications Authority (OFCA), an operator is required to declare whether the proposed base station comply with the relevant requirements of the TPB, BD and LandsD, and submit a declaration made by an Authorized Person (AP) on the compliance of the proposed base station with the Buildings Ordinance. Otherwise, the OFCA may reject the application. If the operator or the AP is found to have made a false declaration on the compliance status, the OFCA may reject the application or revoke the approval granted. If the OFCA decides to approve the application after assessing the compliance of the proposed base station with the technical requirements on radio interference and radiation safety, it will also

pass the relevant information to the Planning Department, BD and LandsD.

Radio-frequency electromagnetic fields generated by radio base stations are a type of non-ionizing radiation, which has lower energy. Regarding the safety requirements on radio-frequency radiation, the CA, in consultation with the Department of Health (DH), has adopted the radiation standards laid down by the International Commission on Non-Ionising Radiation Protection as the criteria for approving applications for the installation of radio base stations. Furthermore, the OFCA has set up a dedicated webpage and published leaflets on radio-frequency radiation safety for reference by the public.

- (b) The OFCA has issued a Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment for mandatory compliance by the operators. The Code of Practice sets out the limits and safety standards on radiation generated by radio transmitting equipment. The operators must ensure that their base stations fully comply with the requirements stipulated in the Code of Practice.

In the past three years, the OFCA received about 350 complaints in relation to radiation problems arising from base stations installed in residential buildings. Upon receipt of a complaint, the OFCA will usually conduct on-site inspection and take measurement on the radiation level. If problems are identified, the OFCA will require the operator concerned to take immediate actions to ensure that its equipment meets the safety standards. In the past three years, no base stations were relocated or removed at the request of the OFCA as a result of non-compliance with the radiation safety standards.

- (c) In vetting and approving applications for the installation of radio base stations, the OFCA will take into account not only the radiation level of individual transmitting equipment, but also the total

radiation level of all radio base stations at a single location. The Code of Practice above mentioned also stipulates the safety standards on the total radiation level at a single location to protect residents from excessive radiation exposure.

The OFCA will seek professional advice from the DH from time to time on the health hazards of radio base stations to safeguard public health. The current one-stop application arrangement will also be reviewed and enhanced in the light of the future development of wireless communications services and the requirements of other regulatory bodies.

**MR WONG KWOK-HING** (in Cantonese): *President, in part (a) of the main reply, the Government said that it has adopted the backward radiation standards laid down by the International Commission on Non-Ionising Radiation Protection (ICNIRP) 14 years ago. President, against such a background, please allow me to point out the backward state we are in. The standard laid down 14 years ago was 9 million microwatts per sq m and that represents a difference by as many as 90 times when compared to the standard of 100 000 microwatts per sq m adopted in China. If it is about the strength of an electric field, it is 58 volts per metre and that is a difference of close to 10 times when measured against the standard of 6 volts per metre as used in China.*

*So my question is: Is it too backward, outdated and conservative when the Government still uses the standards adopted 14 years ago to impose the limit on the safety level of radiation, showing that the Government has never sensed the impact of transmitters? May I ask if the authorities will review this backward practice and safety limit and conduct a survey and compile statistics from the residents affected in order to facilitate a full-scale review and provide useful data in this respect?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): *President, as a matter of fact, these standards are not backward at all. I would like to spend some time on an explanation. About these standards laid*

down by the ICNIRP as adopted in Hong Kong, they are recognized by the World Health Organization (WHO) which has also pointed out that provided that the energy of the radio-frequency electromagnetic fields generated by the relevant radio installations complies with the guidelines issued by the ICNIRP, it will not constitute any significant health hazard to the public.

Many of the major economies with advanced developments in telecommunications have generally adopted this safety limit and similar requirements as their standards for radiation safety. These countries include the United States, Canada, Germany, France, Korea, Australia and New Zealand. Although this safety limit was set in 1998, the ICNIRP made a statement in 2009 that after making reference to scientific literature published since 1998, it had confirmed that the safety limit imposed in 1998 was still effective. In order to ensure that the radiation safety standards adopted here in Hong Kong meet the latest international standards, the OFCA will keep a close watch on the latest developments in radiation safety standards. The ICNIRP standards that we are using now are standards commonly recognized by the international community. In this regard, we have also consulted the Department of Health and obtained its professional advice for the protection of public health.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has evaded my question, without answering whether any review will be conducted. This is because with respect to the numerical values of these standards, those adopted in Hong Kong have a difference of 90 times and almost 10 times respectively from those adopted in China. Also, the Secretary has not replied to my question as to whether any survey or statistics will be conducted and compiled on the impact on the residents.*

**PRESIDENT** (in Cantonese): Members should know that they can only raise one supplementary question and so they cannot say that the Secretary has not answered their many supplementary questions. The Secretary has replied in this case. However, Secretary, do you have anything to add concerning the differences between Hong Kong and the Mainland?

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, I am happy to oblige. It would be difficult for us to comment on the standards as adopted on the Mainland or in some other countries. And it would not be proper for us to do so either. The standards adopted in Hong Kong are commonly used around the world and they are considered as suitable standards. However, as pointed out by some experts, we should not base our assessment only on these numerical values for the reason that for different frequencies, adjustment should be made as appropriate to the numerical values before standards can be applied to certain particular situations. So in this respect, we cannot make a simple comparison by referring to these numerical values. I can say that on the whole, the standards adopted by us are internationally recognized.

**DR LAM TAI-FAI** (in Cantonese): *President, I would think that the Government must pay special attention to one remark made by Mr WONG in his main question, that is, "The residents concerned are worried that the electromagnetic radiation generated by these transmitters may pose health risks". What is the reply given by the Government? The reply given by the Government is that there are currently over 26 000 radio base stations in Hong Kong and 350 complaints were received in the past three years and no base stations were relocated or removed as a result of non-compliance with the radiation safety standards.*

*President, ordinary members of the public do not have any testing equipment and they may not have any relevant professional knowledge. If we are to rely on complaints from the public to perform our gate-keeping role and to prove whether or not the radiation is excessive, I would think that this is not scientific at all. My supplementary question is: Will the Government undertake periodic sample tests of the radiation in the radio base stations or will it only investigate when it has received complaints? A proactive approach taken in protecting public health is vastly different from a passive one. Since there are 26 000 radio base stations all over the territory, if the Government does not have sufficient manpower to undertake such testing work, will it require the operators*



*to undertake periodic tests themselves and release reports later? This can assure members of the public and they can lead a healthy and happy life.*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, let me explain what the existing mechanism is. On applications for radio base stations from the operators, within one month after the commissioning of such base stations, the operator must submit a testing report to the OFCA, proving the safety of the installations concerned. Over the past three years, the OFCA has undertaken about 1 000 inspections and on-site tests and there was not a case found where the radiation had gone beyond safety levels. We believe this mechanism is sound and it can protect the safety of the people.

**PRESIDENT** (in Cantonese): Dr LAM, which part of your supplementary question has not been answered?

**DR LAM TAI-FAI** (in Cantonese): *President, I may have not heard the reply clearly. Does it mean that the Government conducts regular sample tests? Apart from tests done after the first month of installing the equipment, will regular sample tests be taken say, every three years, four years, five years or every year?*

**PRESIDENT** (in Cantonese): You have repeated your supplementary question. Secretary, do you have anything to add?

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, one month after the commissioning of a base station, the operator concerned is required to submit a testing report to the Government. Besides, if complaints are received, the staff from the OFCA will make arrangements for an on-site visit to test .....

**PRESIDENT** (in Cantonese): Secretary, are you saying that investigations will be conducted when complaints are received instead of carrying out regular investigations?

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, there are 350 such complaints but in respect of the number I have just mentioned, we have conducted 1 000 inspections over the past three years. So apart from testing done by the operators, the OFCA also makes inspections and these include inspections conducted after complaints are received.

**MR WONG KWOK-HING** (in Cantonese): *President, I am grateful to Dr LAM Tai-fai from the industrial sector for helping us out in raising a question. It may be due to their not being familiar with the subject matter that many other Members do not know what to ask.*

*President, my supplementary question is like this: Just now the Secretary in giving his reply said that numerical values were not the only basis. I noted this remark. Since this is the case, why does the Government not conduct any survey or compile any statistics on the health impact which is a worry to members of the public? Like the case in a press conference we held the other day, a resident of South Wave Court said that he had moved there for a number of years and his sleep was cut short from seven hours a day to just four hours. He also had frequent headaches and drowsiness. But he had nowhere to turn to and make a complaint. Why does the Government not collect any data on the health of residents to see if people living close to transmitters are exposed to greater impact and that they are susceptible to greater worries and emotional distress? I would think that a responsible government should at least collect statistical data on this and if the Hong Kong Government says that there are no numerical values available, at least it should have some figures showing the impact on the residents .....*

**PRESIDENT** (in Cantonese): Mr WONG, please do not make any lengthy comments. You have raised your supplementary question. Secretary, please reply.

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): I am glad that Mr WONG has raised this supplementary question. Mr WONG, I have also read that report in yesterday's newspaper. The OFCA has checked information on this regard from South Wave Court to look at the technical details, and so on. Yesterday, the OFCA sent some technical staff to the place for inspection and to ensure that the installation of the base stations complies with the requirements specified in the approval given and that the safety levels of radiation are also complied with. The technical staff from the OFCA reported that they did not find any technical problems in this regard.

Now there are 14 radio base stations approved by the OFCA in South Wave Court. These stations are installed on three rooftops in South Wave Court. At present, six mobile phone network operators have installed base stations in South Wave Court to provide mobile phone and data services in the Sham Wan area.

**MR JAMES TO** (in Cantonese): *President, I have done some study on the high-power radio frequency, radiation and electromagnetic waves relating to power companies and my greatest worry is that the relevant standards adopted are too low. Why? With respect to the electromagnetic fields mentioned, can the Government inform us whether the measurements are taken in areas in the closest proximity to high-power transmitters? An example is when a transmitter of this kind is placed on the rooftop of a building and one floor below the rooftop ..... an extreme example would be that there is a double-decker bed and someone would sleep there for eight, 10 hours at night or even take an afternoon nap. Are measurements taken according to the criterion of closest proximity? What exactly is the distance from the transmitter and what is the duration of exposure to radiation? I hope the Government can provide technical data of this sort for us. Cases which we have talked about, like eating 1 tonne of bean curd within a period of 10 years, but this sort of things will certainly not happen. Yet about the case which I have just mentioned, the residents may be very worried and certain cases can really be terrifying.*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, I hope that when citizens have gained access to the relevant information, they can understand that all along the OFCA has hoped that after the citizens have browsed our website or read our leaflets, they will understand that the amount of such radiation is not so serious as, for example, taking an X-ray. Radiation in non-ionizing radiation is very small indeed.

To answer the supplementary question from Mr James TO, what we measure is not only the radiation levels of the installations themselves but the total radiation levels, that is, the radiation in that particular location inclusive of other equipment in place. So the total radiation level is the standard we want to measure and the results of measurements taken by us show that the levels are very far from the threshold points. So we can say that the present situation is pretty safe.

With respect to medical data, there is no evidence which shows that non-ionizing radiation will affect a person's sleep. So if people have a greater understanding of this, they can rest better assured. Of course, we will keep a close watch on the relevant international standards and make a decision with respect to every application for the installation of this kind of equipment on the basis of compliance with our standards.

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

**MR JAMES TO** (in Cantonese): *No, the Secretary has not answered it. What I have said is about how close is the distance to the sensitive target or the person affected and how measurements .....*

**PRESIDENT** (in Cantonese): The duration of their exposure to radiation.

**MR JAMES TO** (in Cantonese): *Yes. The Secretary says that we should understand more and now I wish to know more about it.*

**PRESIDENT** (in Cantonese): Secretary, have the authorities ever considered the questions of distance and the duration of exposure to radiation?

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, as far as I know, we take the measurements in places accessible to the public. According to data obtained after entry into the relevant premises, prolonged exposure to such levels of non-ionizing radiation is safe. The distance in question is locations accessible to members of the public and it would be difficult to talk about distance in such case because the distance of each installation from the points accessible to the public is different. We will conduct tests to see whether the levels of non-ionizing radiation to which members of the public are exposed as they come into contact with the radio signals emitted are safe or not.

**PRESIDENT** (in Cantonese): We have spent 22 minutes and 30 seconds on this question. Fourth question.

### **Re-grant of Ocean Terminal Lot**

4. **MR FRED LI** (in Cantonese): *President, it has been reported that the Government has reached an agreement with a developer on the lease renewal for the Ocean Terminal Lot by way of in situ land exchange for a lease term of 21 years at a land premium of \$7.9 billion and an annual rent of 3% of the rateable value, and approval has been given for the permitted gross floor area of the lot to increase by 40% to 920 000 sq ft. In this connection, will the Government inform this Council:*

- (a) *of all the information concerning this land exchange and lease renewal, including the terms of the original lease of the Ocean*

*Terminal Lot (Kowloon Permanent Pier No. 83); among the terms of the old and new leases of the Ocean Terminal Lot (Kowloon Inland Lot No. 11178), the area and size of the lot, the lease commencement and expiry dates, user restrictions of the lot, permitted gross floor area of the lot, land premium and rent for the leases, arrangements upon the expiry of the leases, as well as the total floor area for commercial use and that for government use in the new lease of the Ocean Terminal Lot (including a new four-storey building permitted to be built), as well as the annual revenue from Government rent expected to be brought to the Government by the new lease;*

- (b) *since it has been learnt that the former Director of Lands had proposed that the Government should lease out the aforesaid lot by way of open bidding upon expiry of the lease, whether the authorities had conducted discussion on that; if they had, of the results; if not, the reasons for that; and*
- (c) *why the authorities have included the operation of the cruise terminal and that of the Ocean Terminal in the new lease of the Ocean Terminal lot instead of separating them into a government lot and a commercial lot, calling for tenders to run the cruise terminal by way of open bidding, and continuing to lease out land for commercial use; how these two approaches compare with each other in respect of their impact on the Government's land revenue; which approach will be adopted for the operation of the Kai Tak Cruise Terminal in the future?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, in accordance with well-established arrangement, the Government in the capacity of lessor (landlord) may, at its discretion, approve an application from a lessee (land owner) for an *in situ* land exchange during the validity period of the lease. However, such applications must generally meet certain criteria, including that the Government land involved is incapable of reasonable separate alienation or development; that there is no foreseeable public use for the Government land concerned; and that developers are required to pay full market value premium.

The original lease regarding the grant of the Ocean Terminal Lot (originally the Kowloon Permanent Pier No. 83 (KPP83)) to a company owned by the Wharf Holdings Limited (Wharf) expired on 16 June 2012. In 2008, Wharf, without prejudice to its position that it had an alleged entitlement to a renewal of the lease for 50 years at nil premium, submitted an application for an *in situ* land exchange by surrendering the KPP83 Lot for the regrant of the same together with a piece of land leased to Wharf under a Short Term Tenancy since 1995.

The Lands Department (LandsD) processed the land exchange application in a landlord capacity on a basis without prejudice to the interests of the Government (including disagreeing to Wharf's alleged entitlement to a renewal of the lease for a term of 50 years at nil premium). After examining the application at the District Lands Conference and consulting the departments concerned in accordance with the established procedure, the LandsD offered Wharf the basic terms of the Conditions of Exchange in July 2010. Subsequently, both sides negotiated the detailed lease terms of the land exchange for implementing the basic terms and the full market premium. On 4 June 2012, Wharf accepted the LandsD's offer. The lease of land exchange was executed on 12 June 2012, and Wharf has paid in full the premium of \$7.9 billion.

Regarding the three parts of the question raised by Mr LI, my reply is as follows:

- (a) The lease of the KPP83 Lot had long been registered at the Land Registry. The executed lease of the land exchange has been arranged to be registered at the Land Registry for public inspection. The information requested in the question is set out below.

The lease governing the KPP83 Lot was formally executed on 17 April 1968 for a period of 25 years with effect from 17 June 1966, subject to the payment of an annual rent of \$100,000. The lease conditions provided an option of renewal for a period of 21 years. In 1991, upon the lessee's lump sum payment of \$400 million of rent, the lease term was extended to 16 June 2012.

The lot under the original lease had a site area of about 320 229 sq ft (about 29 750 sq m). According to the lease conditions, the lessee shall operate within the lot a commercial ocean terminal, and at the same time provide an area on the ground and first floors of not more than 1 000 sq ft (about 93 sq m) to the then Commerce and Industry Department (that is, presently the Customs and Excise Department) for accommodating its Revenue Office. Currently, the Ocean Terminal has a gross floor area (GFA) of 61 130 sq m, comprising 46 001 sq m for commercial use (including the 93 sq m for the aforesaid Revenue Office) and 15 129 sq m for carpark.

According to the lease of land exchange, the regranted lot, known as Kowloon Inland Lot (KIL) No. 11178, has a site area of about 31 750 sq m. Apart from the land under the original KPP83 Lot of about 29 750 sq m, the site area also includes about 2 000 sq m of land let to Wharf by the LandsD under a Short Term Tenancy since 1995 (please see the plan in Annex for details). The lot shall be used for a commercial ocean terminal and a vehicular access ramp. Its maximum developable GFA (including a four-storey building to be built that I will mention later) is 85 672 sq m, including not more than 53 632 sq m GFA for the commercial ocean terminal; not more than 3 900 sq m GFA for the vehicular access ramp; and not more than 28 140 sq m GFA for the toll carpark. The above 53 632 sq m GFA for the commercial ocean terminal also includes customs office, immigration hall and quarantine facilities to be provided by the lessee for the Government. A minimum net operational floor area of about 1 444 sq m is required for these government facilities. According to the information provided by Wharf, in order to meet the abovementioned request of the Government, the 3 000 sq m included in the commercial GFA will be used for government and cruise terminal facilities (including customs and immigration facilities, a quarantine area and a baggage area, and so on). These facilities will be accommodated in a four-storey building to be built by Wharf.



After deducting about 3 000 sq m for government and cruise terminal facilities, the GFA of the regranted lot for commercial use is about 50 632 sq m, representing about 59% of the maximum developable GFA of the entire lot. Compared with about 46 001 sq m commercial GFA currently built by Wharf under the original lease, the additional commercial GFA under the new lease of land exchange is 4 631 sq m. As can be seen, the site is different from sites used solely for commercial development, whereby about 41% of its maximum developable GFA is actually for non-commercial use. The GFA used for such non-commercial purposes does not attract for Wharf the level of rents equivalent to that used for commercial purposes. Also, the Government will not pay Wharf any rent or fees for using the about 3 000 sq m GFA for government and cruise terminal facilities.

Regarding the lease term, notwithstanding Wharf's wish to have a lease term of 50 years after the land exchange which is the case for ordinary commercial sites, the LandsD only granted a term of 21 years, the main consideration being that the lot would be used not only for commercial purposes, but also for cruise terminal facilities. A 50-year term is really too long, as the cruise industry is undergoing development. Certainly, the LandsD had also considered that a 21-year lease term would not be an unviable commercial investment option for Wharf.

The Government had all along insisted that a full market value premium must be paid by Wharf. The premium of this case was professionally assessed in accordance with the established applicable procedure by a Valuation Conference chaired by the Deputy Director of LandsD/Specialist and consisted of a team of Estate Surveyors. During the process, the valuers employed professional valuation principles and took into account the terms of the land exchange (including the GFA which could be used for commercial purpose, investment to be made under the terms, a 21-year lease term, and so on) before arriving at the full market value premium of \$7.9 billion.

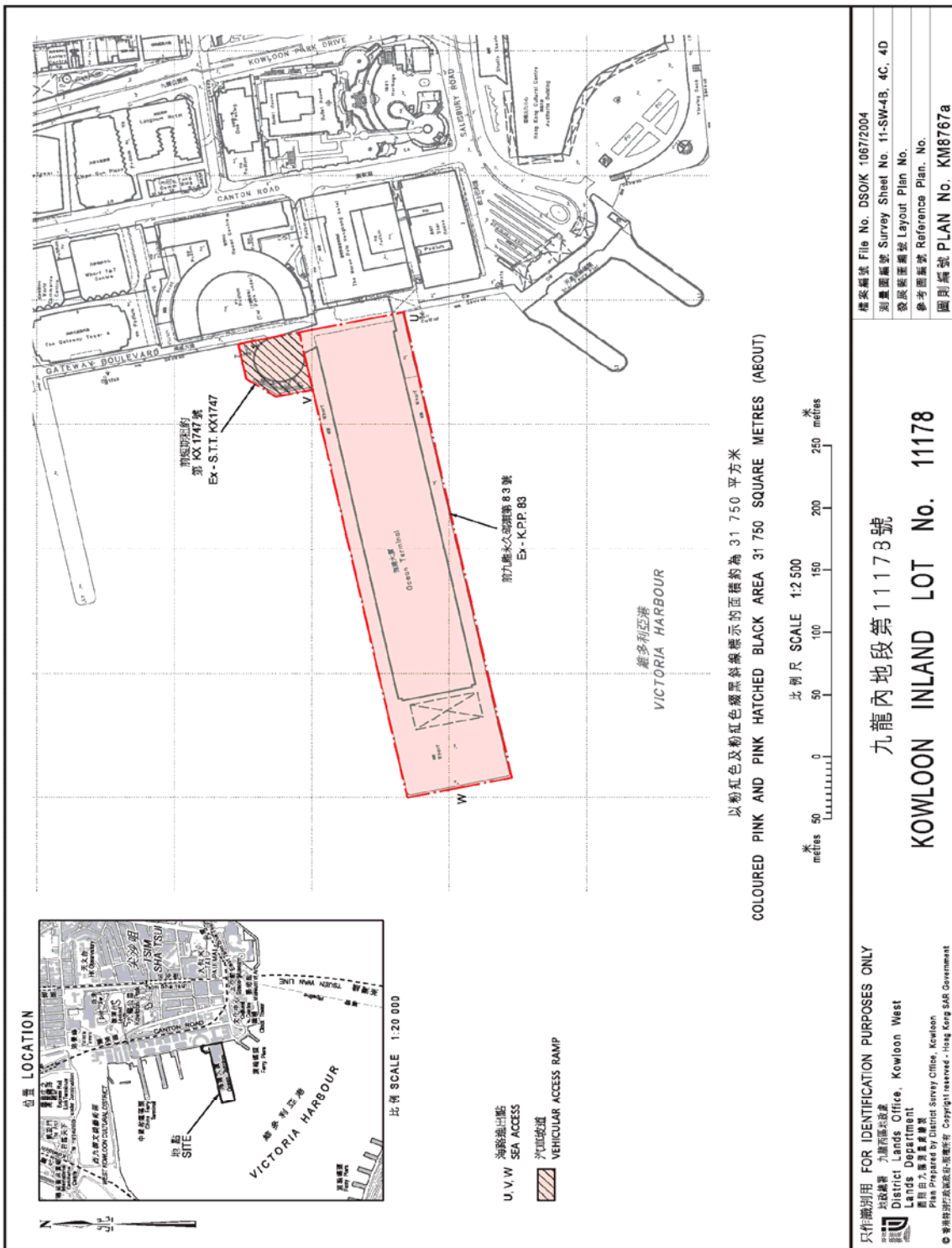
In addition, Wharf will be required to pay an annual rent of 3% of the rateable value of the lot. According to Wharf's estimate, the rateable value of the lot for the financial year from April 2012 to March 2013 is about \$491 million.

- (b) The LandsD has looked into its records but cannot find any to show that its former Director ever openly proposed disposal by open tender upon the expiry of the lease on 16 June 2012.

When dealing with this case, the Government had also considered other options (including open tender), and finally concluded that the land exchange for a 21-year term was appropriate. This is because it could definitely remove the industry's worries about any possible disruption to the operation of the Ocean Terminal and ensure the continuity of the Ocean Terminal's operation. Moreover, the new four-storey building to be constructed by Wharf will provide better cruise terminal facilities in the next 20 years. I notice that according to media reports, many industry practitioners are supportive of the arrangement.

- (c) Under the new lease of land exchange, the lot can be used for cruise terminal and commercial purposes. The arrangement is the same as that in the original lease, ensuring the operational viability and continuity of the development of the lot in its entirety.

As for the new cruise terminal at Kai Tak, it was designed and built by the Government, and leased to an operator for operation by open tender. Before the invitation to tender, the Government consulted the tourism industry and the Legislative Council Panel on Economic Development on the key terms of the leasing arrangements. The tenancy was awarded in March 2012. The tenancy has a term of 10 years, and can be extended by five years subject to the operator's satisfactory performance. The operator is required to pay the Government a fixed rent and a variable rent during the tenancy.



**MR FRED LI** (in Cantonese): *President, it is stated in the main reply that only 59% of the GFA of the regranted lot is for commercial use, whereas the remaining 41% is for non-commercial use. However, the entire terminal is, in fact, a cruise terminal, and even the toll carpark is for commercial use. Under such circumstances, what is the difference in the full market value between the 41% of non-commercial GFA and the other 59% of commercial GFA?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): *President, put simply, they are different in that the proceeds that can be generated for the lessee are different between commercial GFA and non-commercial GFA, and I think Mr LI should understand this. While I agree that the toll public carpark will generate some revenue, there is, after all, a big gap between such revenue and the rental income from shops leased for commercial use.*

**MR LEE WING-TAT** (in Cantonese): *President, the Secretary said in part (b) of the main reply that they "cannot find any (record) to show that its former Director ever openly proposed disposal by open tender upon the expiry of the lease on 16 June 2012." However, from the information that I have looked up, in January 2005, Wharf filed a lawsuit against the Government. With regard to the writ lodged by Wharf, I guess it was about seeking a judicial review to overturn the decision made by the then Director of Lands, Patrick LAU, at the end of October in 2004 of not renewing the lease of the Ocean Terminal Lot with Wharf. This was a lawsuit in 2004.*

*Therefore, President, I think the Secretary had resorted to trickery in her reply. It is true that the then Director did not openly propose open tender, but he decided not to renew the lease with Wharf, and what option could be taken then? It would be open tender, President. In this connection, I would like to ask the Secretary this question. The Secretary should also know about this lawsuit in 2004, and with regard to the writ lodged by Wharf, was it intended to challenge Patrick LAU's decision of not negotiating individually with Wharf on the lease renewal but giving consideration to other options including open tender, just as what I said about the writ earlier on?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, according to the information on hand, as Mr LEE has mentioned, in October 2004, the LandsD issued a letter to Wharf, and the letter was subsequently mentioned in some legal proceedings. But the most important point is whether the former Director of Lands had openly made this proposal, and this could make a big difference. I wonder if Mr LEE has noticed that in the main reply, I have highlighted the point that during the negotiations or talks between the landlord (the Government) and the lessee (land owner), our positions were different, and we entirely insisted on the Government's position. Wharf considered that it had an entitlement to renewal of the lease for 50 years at nil premium upon expiry of the original lease. This was its position, or may continue to be its position now. The Government's position was that we entirely disagreed that Wharf was entitled to renewing the lease for 50 years at nil premium, and throughout the negotiations, we endeavoured to ensure that this position would not be compromised. So, during this very long period of time, we were negotiating with Wharf on behalf of public interest, and in the process, some views were expressed on the negotiations but they did not mean that the Government had formed a certain position.

But in any case, with regard to part (b) of the question, I do not wish to further argue with Mr LEE over whether anybody had made this proposal. In fact, the Government did consider the feasibility of open tender but the conclusion was that it would not be more appropriate than a regrant of the lot by way of land exchange at full market value premium.

**MR ALBERT HO** (in Cantonese): *President, as we all know, the approach of valuation is very much lacking in transparency and not at all scientific. This is why we often consider it fairest to conduct an open tender or open bidding by all means. Particularly, insofar as this project is concerned, I would like the Secretary to explain to me how the valuation was made for this very special project involving an ocean terminal and a large shopping mall. Did you take into account many comparable figures in the valuation exercise? Besides, did you make the calculation on the basis of delivery of vacant possession? Were valuations made separately for the ocean terminal and the shopping mall? And,*

*was the additional 4 000-odd sq m GFA also factored into the valuation? There is no way for us to find out about such information. How can you give people the feeling that the valuation is fair, not any backroom deal or transfer of benefits through singular negotiations with the company concerned?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, first of all, I thank Mr HO for his understanding that the KPP83 Lot is indeed a very special project. Regarding the work of the LandsD in evaluating the full market value, the LandsD actually carries out such work on a daily basis, because evaluation of market value is required in the work of lease modifications in many aspects.

How can we inspire confidence in members of the public and the Legislative Council and convince them that such work is carried out in an entirely fair and impartial manner and in public interest? There are safeguards in four aspects: First, we have in place very stringent procedures, and as I said earlier, valuation is not conducted by one person behind closed doors, but through a Valuation Conference chaired by the Deputy Director and consisting of a team of professionals in accordance with very stringent procedures; second, stringent standards of conduct on the part of public officers; third, there are professional criteria, and as they were formally trained professionals, this set of valuation criteria acquired from formal training is universally applied in the entire industry; and fourth, there is, of course, public monitoring.

Having said that, it may not be in public interest if all such work is carried out transparently under the limelight. As I said just now, this case has taken a very long time and involved great difficulties, and the Government had carried out negotiations with a position of resolutely refusing to make any compromise. I, therefore, hope that the four safeguards that I have just mentioned can give assurance to the public and convince them that such a professional team of valuers of the LandsD works in a fair and impartial manner to the best interest of the public.

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

**MR ALBERT HO** (in Cantonese): *President, my question was rather specific about the basis of valuation. I asked whether the valuation was made on the basis of delivery of vacant possession, whether valuations were made separately, and whether the 4 000-odd sq m GFA is included in the valuation, and whether there are comparable figures. But the Secretary has not responded to my question, so how can there be transparency to speak of?*

*I think it may be rather difficult to explain all of these in detail. Is it possible to provide the specific information in writing, so as to tell us how the valuation was made? Is that possible? I believe to members of the public, this is the best way for them to exercise monitoring. Can supplementary information be provided in writing?*

**PRESIDENT** (in Cantonese): Secretary, can you provide a reply in writing?

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, of course, I am not a professional Estate Surveyor; nor have I taken part in valuation work. But simply put, a host of factors will be considered in each valuation exercise. In this case, for instance, we certainly have to take into consideration the conditions of the lease. For example, if the lease term is 21 years and if the developer or the contractor has to make an investment by developing a four-storey building, it is also necessary to consider the commercial GFA that I mentioned in the main reply earlier on. But in any case, as far as I understand it, the Chairman of the Panel on Development, Prof Patrick LAU, has accepted Mr LEE Wing-tat's proposal of holding a meeting at the end of this month in the hope that we can give further explanations on this case in detail. We are in the course of preparing the relevant papers. I will provide information on the basis of the question raised by Mr LEE Wing-tat as far as possible, while taking into account how we can have regard to the factors for consideration in valuation as raised by Mr HO today, and share with Members our views by all means.

**MR ALBERT HO** (in Cantonese): *Will the calculation method be also included?*

**PRESIDENT** (in Cantonese): Did you say calculation method?

**MR ALBERT HO** (in Cantonese): *Yes.*

**PRESIDENT** (in Cantonese): The Secretary should have heard it.

**MR JAMES TO** (in Cantonese): *President, in 2005 or even earlier, both parties already started to plan the arrangements for lease renewal which were eventually made in 2012. President, as the term of the lease is quite long, both parties started to plan the arrangements well in advance. To put it more plainly, the Government may have made concessions by deliberately leaving itself with no leeway and no bargaining power upon the expiry of the lease in 2012; or at least it showed negligence on the part of the Government or its failure to do its best to perform its duty between 2005 and 2012. As a result, the Government was put in a disadvantageous position, not being able to bargain or conduct an open tender.*

*President, I would like to ask the Government how it will explain why, between 2005 and 2012, it was unable to recover the relevant lot without making any compensation and deny the relevant company's entitlement to lease renewal at nil premium through the legal proceedings mentioned by the Government. Why did the Government put itself in a position where it had no other alternative but to subject itself to the legal proceedings and haggling from other people? Who should bear the responsibility? Should it be the Secretary herself?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Mr TO has made a lot of hypotheses. First, he said that the Government had no other alternative, but I do not see it that way. If the Government had no other alternative, then perhaps all the parties concerned had no other alternative either, because the expiry of the



lease would bring about many consequences. I do not think that we, being the landlord, would have no other alternative upon the expiry of the lease.

Of course, we do not face such a situation today, and this is hypothetical. But if we do face a situation where it is impossible to reach an agreement through negotiations, the LandsD and the lawyers in the Department of Justice would definitely come up with ways to protect the greatest interest of the Government while at the same time protecting the greatest interest of the public.

In fact, as I said in the main reply, during the past few years, we did not just sit by and wait. Rather we had made considerable efforts to carry out negotiations and talks, and in the process, both sides remained insistent on our respective positions. In other words, the risk of proceedings had constantly existed. Therefore, my professional colleagues had maintained our position on the one hand and worked for the best interest of the public on the other.

After all, Mr TO must not forget that this is not an undeveloped ordinary commercial site. Rather, it is a developed cruise terminal site of great importance. Therefore, during our consideration, it was primarily not because time was running out that we gave up the option of open tender. We had weighed various options and considered it best for the lot to be surrendered and regranted while we would subsequently work for the regrant of the lot at full market value premium, and in the meantime, this can also improve the operation of the cruise terminal in Hong Kong.

**PRESIDENT** (in Cantonese): We have spent more than 22 minutes on this question. Fifth question.

### **Prices of Pork**

5. **MR FREDERICK FUNG** (in Cantonese): *The study on the selling price of pork published by the Consumer Council (CC) in the middle of last month pointed out the inconsistency in the pace of adjustment in the average wholesale*

*price and retail price of fresh pork in that the retail price was quick in going up and slow in coming down, and there was even the situation where the wholesale price had fallen, but the retail price had risen. For example, in October last year, the average wholesale price of live pigs dropped by 7.2% month on month, but the average retail price of lean pork, on the contrary, increased by 0.9%. Similarly, in February and March this year, the average wholesale price of live pigs dropped by 4.8% and 0.7% respectively, but the retail price still increased by 1.2% and 0.2% respectively, resulting in a widening difference between the retail price and the wholesale price. Some members of the pork retail trade had later refuted, stating that the CC's data had focused too much on the average wholesale pork price and neglected factors such as the difference in price between high and low quality pork and increase in traders' costs, and so on, and they even suspected that supermarkets had sold low-priced pork as high-priced pork. In this connection, will the Government inform this Council:*

- (a) of the average monthly wholesale, import and retail prices of fresh and chilled pork imported from the Mainland since October last year, and the respective monthly changes in such prices; the difference in the retail price of fresh and chilled pork and its changes; whether there is a trend of widening difference between the retail price and wholesale price or import price of fresh and chilled pork; whether it has looked into the reasons for that; if it has, of the results;*
- (b) whether the authorities have looked into and followed up the aforesaid the CC's study and the response of the pork retail trade, including whether they have assessed if the conclusion of the CC's study is reasonable, if the pork retail trade's comment is true and if there is no room for reduction in the retail pork price after considering factors such as the quality of pork and increase in costs, and so on, and why supermarkets can offer discounts; if they have taken follow-up action and conducted such an assessment, of the results; and*

- (c) *whether the authorities have conducted analysis and study on the wholesale and retail pork markets; if they have, whether anti-competitive conduct such as monopolization and collusive pricing exists, and whether there is the practice of price-gouging for profiteering; what measures the authorities have to curb such anti-competitive conduct and urge pork retailers to expeditiously lower the retail price in response to the drop in the wholesale price, so as to enable consumers to buy pork at reasonable prices?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, it is the policy objective of the Government to maintain a stable supply of various foodstuffs and to ensure food safety. Food price has always been determined by the free market. The Government is responsible for enhancing market transparency and market efficiency.

Live pigs for public consumption mainly come from the Mainland (the rest are supplied by local farms). To maintain stable supply, the Food and Health Bureau has all along been liaising closely with the relevant Mainland authorities and live pig import agents. In July 2007, the Food and Health Bureau and the State Ministry of Commerce agreed after discussion that the market for supplying live pigs to Hong Kong should be opened up for healthy competition. The number of agents for supplying Mainland live pigs to Hong Kong increased from one to three in October 2007.

Every year, the Hong Kong Special Administrative Region Government discusses with the Ministry of Commerce the total annual quota of livestock and live poultry (that is, live pigs, cattle and chickens) to be supplied to Hong Kong in the following year so as to ensure stable market supply. In October last year, with the support from the Ministry of Commerce, we reached an agreement on the annual quota of live poultry and livestock (including live pigs) to be supplied to Hong Kong this year. Under the agreement, the quota is pitched at the same level as in last year and that for live pigs is 1.73 million heads, which would be sufficient to meet local demand in Hong Kong.

To maintain stable food supply and give consumers wider choices, the Government also encourages the trade to explore tapping different sources of food supply. In August 2006, the trade started importing chilled pork from the Mainland, thereby offering the public an added choice. The consumption of chilled pork increased from around 4 600 tonnes in 2006 to around 15 000 tonnes in 2011.

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

- (a) The wholesale price of live pigs (that is, the price paid by live pig buyers to live pig import agents) and the retail price of fresh lean pork from October 2011 to May this year are shown in Annex 1. The wholesale price of live pigs is not equal to the wholesale price of fresh lean pork because the weight of a live pig includes not only the weight of pork, but also that of the head, bones, skin and offal. The auction price of live pigs is determined by competitive bidding. As could be seen from Annex 1, the average wholesale price of live pigs in May this year was about 10% lower relative to October last year, while the average retail price of fresh lean pork dropped by about 5%.

As regards chilled pork, the Government mainly relies on information on the import quantities and the value of chilled pork declared for customs purposes to work out the import price. This is not the wholesale price. The import and retail prices of chilled pork from October 2011 to the present are given in Annex 2. The information therein shows that the average import price of chilled pork went down by about 10% between October 2011 and April 2012, while the average retail price of chilled pork dropped by about 6%.

Annex 3 gives the difference in the retail prices of fresh and chilled pork. The information therein shows that the difference in prices remains stable, with the price of a catty of chilled pork being generally \$4 to \$6 lower than that of fresh lean pork.

- (b) We understand that like other retail businesses, pork retailers, when determining the retail price of pork, have to consider relevant operational costs such as transport cost, wages of workers and rental, as well as other factors like the affordability of consumers, on top of the purchase price and product quality. When the wholesale price rises, retailers may not immediately pass on all of the increase to consumers. Likewise, when the wholesale price goes down, retailers having taken into account other factors including the operational costs may not make the same level of reduction at the same time. Such commercial considerations are no different from those in operation in other trades. Food price has always been determined by the free market. We have noted the study report of the CC and believe that it will serve as a good reference for consumers.

The pork retail trade earlier expressed suspicion that individual supermarkets have sold low-priced pork as high-priced pork. We understand that the Customs and Excise Department has investigated the case. No evidence has been found to support such an allegation.

- (c) The Competition Ordinance just enacted seeks to tackle anti-competitive agreements or abuse of a substantial degree of market power that prevent, restrict or distort competition in Hong Kong. Price fixing agreements between undertakings and the abuse of market power by undertakings with a substantial degree of market power are both regulated under the Competition Ordinance. Under the Ordinance, the Competition Commission (Commission) has the power to conduct investigations into such complaints and the Competition Tribunal may impose severe penalties on offenders.

As for allegations about suspected anti-competitive conduct in the pork market, the future Commission shall have sufficient power to conduct investigations into such allegations. That includes the power to require the persons concerned to produce documents and information and to attend before the Commission to answer questions.

**Wholesale price of live pigs, retail price of fresh lean pork  
and price changes from October 2011 to the present**

| <i>Year</i> | <i>Month</i> | <i>Average wholesale price of live pigs*<sup>#</sup> (\$/catty)</i> | <i>Average retail price of fresh lean pork* (\$/catty)</i> | <i>Average wholesale price of live pigs as compared with that in October 2011</i> | <i>Average retail price of fresh lean pork as compared with that in October 2011</i> | <i>Difference between average wholesale price of live pigs and average retail price of fresh lean pork<sup>#</sup> (\$/catty)</i> |
|-------------|--------------|---|--|---|--|---|
| 2011        | 10           | 15.4  | 42.7   | -   | -  | 27.3  |
|             | 11           | 13.7  | 40.8   | -11.0%  | -4.4%  | 27.1  |
|             | 12           | 14.3  | 40.0   | -7.1%   | -6.3%  | 25.7  |
| 2012        | 1            | 14.6  | 40.4   | -5.2%   | -5.4%  | 25.8  |
|             | 2            | 13.9  | 40.9   | -9.7%   | -4.2%  | 27  |
|             | 3            | 13.8  | 41.0   | -10.4%  | -4.0%  | 27.2  |
|             | 4            | 12.6  | 40.3   | -18.2%  | -5.6%  | 27.7  |
|             | 5            | 13.3  | 40.4   | -13.6%  | -5.4%  | 27.1  |

## Notes:

\* Price information for October 2011 to March 2012 is provided in the Hong Kong Monthly Digest of Statistics published by the Census and Statistics Department (C&SD). Price information for May 2012 on the average retail price of fresh lean pork and that for April to May 2012 on the average wholesale price of live pigs are all preliminary figures. Average retail price of fresh lean pork is provided by the C&SD, while average wholesale price of live pigs is provided by the Agriculture, Fisheries and Conservation Department.

# The wholesale price of live pigs is the price of live pigs paid by live pig buyers to live pig import agents. However, the wholesale price of live pigs is not equal to the wholesale price of fresh lean pork because the weight of a live pig includes not only the weight of pork, but also that of the head, bones, skin and offal.

**Import and retail prices of chilled pork and price changes  
from October 2011 to the present**

| <i>Year</i> | <i>Month</i> | <i>Average import price of chilled pork*<sup>#</sup> (\$/catty)</i> | <i>Average retail price of chilled lean pork*<sup>^</sup> (\$/catty)</i> | <i>Average import price of chilled pork as compared with that in October 2011</i> | <i>Average retail price of chilled lean pork as compared with that in October 2011</i> | <i>Difference between average import price of chilled pork and average retail price of chilled lean pork<sup>#</sup></i> |
|-------------|--------------|---|--|---|--|--|
| 2011        | 10           | 15.9  | 36.5   | -   | -  | 20.6   |
|             | 11           | 15.4  | 36.2   | -3.1%   | -0.8%  | 20.8   |
|             | 12           | 14.8  | 35.2   | -6.9%   | -3.6%  | 20.4   |

| Year | Month | Average import price of chilled pork*# (\$/catty) | Average retail price of chilled lean pork*^ (\$/catty) | Average import price of chilled pork as compared with that in October 2011 | Average retail price of chilled lean pork as compared with that in October 2011 | Difference between average import price of chilled pork and average retail price of chilled lean pork# |
|------|-------|---|--|--|---|--|
| 2012 | 1     | 13.9  | 35.2   | -12.6%   | -3.6%   | 21.3   |
|      | 2     | 14.2  | 34.4   | -10.7%   | -5.8%   | 20.2   |
|      | 3     | 14.0  | 34.4   | -11.9%   | -5.8%   | 20.4   |
|      | 4     | 14.0  | 34.2   | -11.9%   | -6.3%   | 20.2   |
|      | 5     | -   | 33.7   | -  | -7.7%   | -  |

Notes:

\* Price information is provided by the C&SD. As it takes time to process trading data, the average import price in May 2012 is not yet available for the time being.

# The Government does not compile statistics on the wholesale price of chilled pork. We can hence only work out the import price of chilled pork based on the information on the import quantities and value of chilled pork declared for customs purposes. This is however not the wholesale price.

^ Chilled lean pork is only available for sale in supermarkets and a small number of licensed market stalls. The retail price for May 2012 is a preliminary figure.

Annex 3

### Difference in the retail prices of fresh and chilled pork

| Year | Month | Average retail price of fresh lean pork (\$/catty) | Average retail price of chilled lean pork (\$/catty) | Difference (\$/catty) |
|------|-------|--|--|-----------------------|
| 2011 | 10    | 42.7   | 36.5   | 6.2                   |
|      | 11    | 40.8   | 36.2   | 4.6                   |
|      | 12    | 40.0   | 35.2   | 4.8                   |
| 2012 | 1     | 40.4   | 35.2   | 5.2                   |
|      | 2     | 40.9   | 34.4   | 6.5                   |
|      | 3     | 41.0   | 34.4   | 6.6                   |
|      | 4     | 40.3   | 34.2   | 6.1                   |
|      | 5     | 40.4   | 33.7   | 6.7                   |

**MR FREDERICK FUNG** (in Cantonese): *President, I think the Secretary's main reply, particularly the first paragraph of part (a) is biased in favour of the wholesalers. He seemed to be saying that the wholesale price of a live pig is based on the weight of the pig as a whole while the retail price excludes the price*

*of the head, bones, skin and offal. Thus, lean pork will be more expensive. Does the Secretary know that — perhaps he has never been to the market — the prices of the head, bones, skin, heart, liver, spleen, lung and kidney are also very expensive? In fact, they have never been cheap. We should not think that the heart, liver, spleen, lung and kidney are not for sale. In fact, the pig's liver, heart, intestines and lung are valuable. The reply is biased in favour of the wholesalers ..... I am sorry, it is biased in favor of the retailers.*

*The Government has not answered the most important part of my question. The answer most wanted is whether the authorities have conducted any study on the situation and whether there is really any reason for it or nothing will be done until the Commission responsible for dealing with it has been set up? Has the Government conducted any basic data collection? Has the Secretary looked into the situation mentioned in part (b), that is, though the wholesale price has been raised, the retail price may not necessarily go up, and vice versa? The existing problem is that this situation has existed for some time. While the wholesalers have lowered the price, retailers are reluctant to follow suit. Where does the problem lie? Has the Secretary conducted any study? The Secretary has not answered my question in this aspect.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, the Government's most important responsibility is to ensure an adequate supply and as long as there is a sufficient supply, there will be fair competition. In my opinion, no one can raise the price if there is sufficient supply.

I have highlighted this point clearly in the main reply. As we know, the weight of a pig includes its bones, skin and offal, the prices of which are different from that of lean pork. So, the price of lean pork does not necessarily represent the price of a whole pig.

Secondly, we surely do not support or consider that the retailers' current practice is most appropriate. But we think the most important thing is to have enough competition. As we can see it, the supply of live pigs in 2011 accounts for 41% of the overall supply of pork in the market, while other supplies include chilled pork and frozen pork. So in this regard, we believe there are sufficient choices available to the public in the market.



It was also found that the inflation rate of pork and other consumer goods including food was quite high in the past year. Thus it can be seen that while the price of pork has surged, the rate of increase in the price of seafood or vegetables is even higher than that of pork. Certainly, we have conducted analyses on various aspects, but we do not think that there is any market distortion. The Commission will certainly have sufficient powers to follow up the relevant cases after the implementation of the Competition Ordinance should suspicion of price fixing arise.

**MR TOMMY CHEUNG** (in Cantonese): *President, I am also aware that if I speak at length, you will say that I am engaged in a debate with Mr Frederick FUNG. I do not wish to debate with him. However, I wish to tell him that these pork stalls — of course, I have to declare that some of the stall tenants are my constituents — given that there are hundreds of such stalls, they are the least likely to engage in price fixing. I also hope that he will take a look at these pork stalls, or tell me which market he will patronize so that I can go with him and ask the stall owners what the purchase price of live pigs is and what the retail price is. At present, as stall owners are tightening their budget and unable to hire any employees, their family members have to offer a helping hand in the stalls and lead a miserable life.*

*Having said that, I would like to ask the Secretary a question. In the main reply, he said the number of agents had increased from one to three in 2007. I strongly supported the decision of opening up the market for supply of live pigs to Hong Kong. However, it is said that one of these three agents does not carry on a business of importing pigs. I know that the Secretary's term of office will soon expire. However, can he advise his successor, or relay to him this message through the Director of the department concerned, to look into the degree of openness of the market? If the third agent is dormant or even if it is engaged in business, will more pigs be imported from the Mainland by increasing the number of agents to five?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, we certainly hope that the number of agents can be increased by more than one in order to enhance competition. And competition does exist in this regard. The State is very concerned about food supply to Hong Kong and hopes to maintain a stable supply so as to avoid a situation where prices go out of control.*

Therefore, in the past few years, although the prices of food, including live pigs, in the Mainland are rising and sometimes the price of a live pig is even more expensive than that in Hong Kong, the State has still requested the suppliers to ensure a sufficient supply, or 4 000-odd live pigs daily, to Hong Kong in order to meet the local demand.

As a result of such a policy, the three suppliers may think that they will make more profits if live pigs are sold in the Mainland, thus reducing the number of live pigs supplied to Hong Kong. However, we believe the Ministry of Commerce has made a lot of efforts in this regard and the daily supply of live pigs needed by Hong Kong people can be maintained so far, thus ensuring a stable supply. As to the question of whether it is necessary to increase the number of agents, we have to analyse whether there is a genuine need to further improve competition as competition exists not only in the supply of pigs to Hong Kong, but also in the Mainland market.

**MR FRED LI** (in Cantonese): *President, as a matter of fact, has the Government conducted any in-depth analysis? Take the average wholesale price of live pigs and the average retail price of fresh lean pork set out in Annex I as an example. There is something curious here. While the average wholesale price of live pigs was \$14.6 per catty and the average retail price of fresh lean pork was \$40.4 per catty in January 2012, the average retail price of fresh lean pork stood firm and did not vary much in April and May (or just three or four months later) compared with that in January when the average wholesale price of live pigs was \$12.6 per catty and \$13.3 per catty respectively, representing a significant drop of more than \$1 per catty. In other words, the average retail price of fresh lean pork stood at \$40.3 per catty and \$40.4 per catty in April and May respectively. Obviously, there is a lack of competition and I am not sure whether prices are quick in rising but slow in coming down.*

*So, I would like to ask the Secretary this question. I also know that a pig includes bones and other body parts. However, did live pigs at the average wholesale price of \$14.6 per catty in January contain a lot of top grade lean pork and live pigs in April and May contain a lot of fat, apart from heavier heads and bones, thus leading to a higher retail price of fresh lean pork? Is this analysis correct?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as I have mentioned in the main reply, especially in part (b), the costs of many retailers include not only the purchase cost of pigs, but also their operational costs. According to my understanding, there are movements in expenses such as transportation costs, salaries of workers and rents during the said period. When setting the prices, retailers will not fully reflect the adjusted monthly purchase costs in the retail price. Operators will seldom do so regardless of the types of business.

The most important responsibility of the Government is to closely monitor price increases or fluctuations and to study whether there are any unusual or abnormal changes. Over the past few months, it was found that price increases and fluctuations were relatively mild and there was little change in price difference, such as the difference between the wholesale price of live pigs and retail price of lean pork. Therefore, we think the existing fresh pork supply in Hong Kong is at least very stable.

**DR PAN PEY-CHYOU** (in Cantonese): *President, Mr WONG Kwok-hing and I have recently dealt with the complaints of some pork retailers. They have pointed out that the pork offered for sale by some large supermarkets is pork from low-priced body parts of pigs which is labelled as pork from more expensive parts. The price of pig coccyx, for instance, is more expensive because it contains more lean meat. According to the retailers' representatives, they had purchased several packs of pig coccyx from these large-scale supermarkets and found that the goods they had bought were not pig coccyx, but pork femur bone which was much cheaper.*

*As the Secretary is an orthopaedic surgeon by profession, I believe he will understand that the nutritional value of different parts of pig bone is certainly very different. Therefore, may I ask whether the Government, taking into account the public health and consumer interests, will check whether the parts of pork sold in the retail market in Hong Kong tally with the labels in order to protect the public interest?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I believe the orthopaedic surgeons do not know much about different parts of a pig because we, after all, are not veterinarians. However, the Customs and Excise Department will carry out inspections if complaints in this regard have been received. Similar inspections are conducted every year and prosecution will be initiated if contraventions of the Trade Descriptions Ordinance are found at any retail outlets, including supermarkets. They will also follow up relevant complaints, but at present they do not find any problems.

Nevertheless, I have to point out that Hong Kong people are smart consumers. They will be particularly cautious if they found that the types of meat they used to buy are different from the labels in supermarkets. They will refrain from buying it. Whenever we see that the prices of certain goods are particularly low, we will check their expiry dates and details in their labels. This is just common sense.

Moreover, the way of buying pork at supermarkets is somewhat different from that at retail stalls. While you have to choose pork that has been pre-packed in supermarkets, you can pick the piece of meat you like and ask the vendor to cut a part of it for you if you buy it at meat stalls. Negotiation with the vendor is also allowed. Thus, the price of pork at meat stalls is sometimes more expensive than that in supermarkets simply because consumers can pick the meat. If you are acquainted with the vendor, you can even purchase your favorite meat. And people of Hong Kong have been very familiar with such a habit in their daily life. So, we sometimes cannot make comparison between these two as they are not totally the same.

**MR WONG KWOK-HING** (in Cantonese): *President, in respect of consumer protection and education, what measures can the Government adopt? What measures have been or will be put in place? Dr PAN Pey-chyou and I have planned to publish a colored exploded view of different parts of a pig in order to educate the public on how to be a smart consumer and pre-empt the situation where pork femur bone is passed off as pig coccyx, as mentioned by Dr PAN Pey-chyou, such that people would not be cheated unawares. Therefore, may I, through the President, ask the Secretary what measures and approaches have been adopted by the Government to educate the consumers and enhance their*

*awareness so that they will become savvy consumers? In particular, supermarkets are constantly changing the units of weight and measurement. While catty is used on this occasion, kilogramme or pound is used on the other, in addition to the adoption of 100 grams as the unit of weight. As a result, consumers are very much confused.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, in fact, the Agriculture, Fisheries and Conservation Department and the Food and Environmental Hygiene Department will upload the relevant wholesale prices onto their websites every day. Therefore, the public, through these websites, will know the daily number of pigs supplied to Hong Kong, the wholesale prices as well as daily price fluctuations. After learning the wholesale price, the consumers can compare it with the retail price. This will enable them to know the price trends more easily. Meanwhile, the CC provides such information for public reference on a regular basis.

As for the question of whether there is a need to enhance the people's knowledge of this aspect, I believe various business newspapers and magazines have provided such information for public reference. Certainly, I will welcome the compilation of such information by Mr WONG, who is well-versed in this area, for public education. And this is also a good thing. But it is best to ensure that the information is correct.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has not answered my question about the constant change in units of weight and measurement by supermarkets just now.*

**PRESIDENT** (in Cantonese): Mr WONG, concerning your view on weight and measurement, it was a supplement to your supplementary question. Furthermore, we have spent almost 24 minutes on this question, so we should proceed to the last oral question.

## **Expenditure Incurred and Hospitality Received During Duty Visits Made by Chief Executive and Politically Appointed Officials Outside Hong Kong**

6. **MR PAUL TSE** (in Cantonese): *President, recently, the media one after another have uncovered that the number of visits outside Hong Kong (visits) made by the Chief Executive and officials of various ranks (including the Political Assistants who are responsible for political liaison within Hong Kong) was, given the duties of their posts, disproportionately high, and it is suspected that officials of the overseas Hong Kong Economic and Trade Offices (ETOs) had inappropriately travelled on business class, which was several times more expensive than economy class, to make reconnaissance visits for the Chief Executive's visits, causing a great outcry among members of the public. Moreover, some members of the public have pointed out that over the years, the SAR Government has been excessively "generous" in providing hospitality to foreign envoys and Mainland officials visiting Hong Kong (visiting officials), and hence members of the public have reasons to believe that such hospitality is to be reciprocated, resulting in free and extravagant hospitality being offered for those Hong Kong officials paying return visits afterwards. In this connection, will the Government inform this Council:*

- (a) *given that the Chief Executive openly admitted his "mishandling of the various events" on 1 June this year when responding to the Audit Commission's report on "Hotel accommodation arrangements for the Chief Executive's duty visits outside Hong Kong" and to the report of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests, whether the Government will request the Chief Executive to truly implement the political accountability system in the remaining time of his term and respond in detail to the reports that the number of visits made by Political Assistants was, given the duties of their posts, disproportionately high and that staff at the overseas ETOs had inappropriately upgraded their passages, and so on, so as to salvage as far as possible people's confidence in the governance of the SAR Government; if it will, of the arrangements; if not, the reasons for that; and how the Chief Executive implements the political accountability system when encountering inappropriate accommodation arrangements for visits;*

- (b) *of the amount of public money spent by the SAR Government on providing hospitality to visiting officials in each of the past three years; the different grades of hospitality provided to visiting officials, the established standards and the upper limits on such expenditure; the mechanism for determining the grades of hospitality provided to visiting officials; and whether any reporting and monitoring mechanism is in place; and*
- (c) *whether any assessment has been conducted to ascertain if the Government had in the past received visiting officials with grades of hospitality higher or more extravagant than those actually needed, and if such hospitality will indirectly encourage the visiting officials to provide extravagant hospitality of similar grades to the Chief Executive or Hong Kong officials who make return visits?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, on behalf of the Administration, I give the following consolidated reply to the three parts of the question:

- (a) In the light of the earlier public concerns over the specific arrangements for duty visits of the Chief Executive, the Chief Executive immediately invited the Director of Audit (the Director) to review the mechanism adopted by the Chief Executive's Office (CEO) in making arrangements for hotel accommodation during the Chief Executive's duty visits. The Director published the Report on 31 May. The Report was fully made public.

The emphasis of the Report was to take a full review of the current mechanism, identify areas for improvement and put forward recommendations. It was not meant to pinpoint and penalize anybody. While the Report concluded that the accommodation arrangements can be improved to tighten the planning and approval process and that transparency of the expenditure should be enhanced, it did not point to violation of any rules or regulations. As a matter of fact, the accommodation arrangements were similar to those adopted both before and after the handover. The important thing to

do now is to implement the Report's recommendations, improve the current approval process and institutionalize the improved arrangements. To this end, we have started drafting internal guidelines and aim to submit draft guidelines incorporating the views from departments concerned to the Chief Executive-elect before 1 July for his consideration with a view to early implementation.

As to the details of duty visits made by Political Assistants, I would like to reiterate that overseas duty visits are made by politically appointed officials on the basis of operational need, and the arrangements are basically made in accordance with the guidelines set out in the Code for Officials under the Political Appointment System.

For the cases of Hong Kong Economic and Trade Offices (ETOs), long-haul flights for individual ETO officers were upgraded to business class according to the relevant provision in the Civil Servant Regulations (that is, where flying time (including transit time) exceeds nine hours, the passage may be upgraded to business class).

(b) and (c)

Visits to Hong Kong by foreign dignitaries and Mainland officials of a larger scale and the relevant established schemes are normally handled by the Protocol Division (PD) and the Information Services Department (ISD).

The PD provides hospitality to senior officials such as heads of state, heads of government, ministers of foreign affairs, senior cabinet ministers, and so on. As to the level of hospitality, limited hotel accommodation, transportation means and subsistence allowance are provided to visiting officials and their entourage according to their ranks. Details are set out in Annex 1. Every case handled by the PD is submitted for approval by the Chief Secretary for Administration or the Director of Administration on specific hospitality arrangements. Before preparing for the visits, the PD



would seek advice from relevant bureaux. Details of the visits are reported to the Director of Administration regularly.

The ISD runs the Sponsored Visitors' Programme, through which people from all over the world who need to know more about Hong Kong (for example, government officials, councillors, think-tank members, opinion formers, scholars doing studies on Hong Kong-related topics, and so on) are invited to Hong Kong. Arrangements are made for them to be briefed on the latest development of Hong Kong through visits to government departments and local facilities. Nominations are usually made by the Mainland and overseas ETOs as well as relevant bureaux. The ISD will co-ordinate the visits and provide the visiting guests with air tickets, hotel accommodation, local transportation and accountable non-cash allowance. Details are set out in Annex 1. After the visits, the ISD and the nominating bureaux/ETOs will collect opinions from the guests and the receiving officers for future reference to ensure that the specific arrangements of the visits can give them a better understanding of Hong Kong's latest development and advantages, and serve our guests' needs.

In receiving visiting guests, all expenses were incurred in accordance with the current policies, departmental accounting instructions and procedures. The standard of sponsorship mentioned above is adopted on the basis of protocol requirements, past experience and practices of other places. Providing state leaders with a higher level of accommodation is a standing practice not unique to Hong Kong. There is no question of the HKSAR Government's arrangements encouraging reciprocity of hospitality from the visiting guests.

Expenditure incurred by the PD and the ISD in providing hospitality to foreign and Mainland officials over the past three financial years (2009-2012) are set out in Annex 2. Due to the need to accommodate the schedules of the visiting guests, the annual expenditure varied with the number of guests received.

## Standard of Hospitality Provided by PD

| <i>Item</i>         | <i>Heads of state/<br/>heads of government</i>   | <i>Deputy heads of state/<br/>deputy heads of government/<br/>ministers of foreign affairs/<br/>senior cabinet ministers</i>   |
|---------------------|--|--|
| Hotel accommodation | <ul style="list-style-type: none"> <li>- One presidential suite</li> <li>- Five standard rooms</li> <li>- Provision of a subsistence allowance of not more than HK\$1,500 per day for each room/suite on actual expenses basis</li> <li>- Duration: three days and two nights</li> </ul> | <ul style="list-style-type: none"> <li>- One suite</li> <li>- Two standard rooms</li> <li>- Provision of a subsistence allowance of not more than HK\$1,500 per day for each room/suite on actual expenses basis</li> <li>- Duration: three days and two nights</li> </ul> |
| Vehicle             | <ul style="list-style-type: none"> <li>- One sedan car</li> <li>- Five ordinary cars</li> <li>- One baggage van</li> </ul>   | <ul style="list-style-type: none"> <li>- One sedan car</li> <li>- Two ordinary cars</li> <li>- One baggage van</li> </ul>  |

Note:

For Central government leaders and visiting officials, the PD will provide accommodation and vehicles to suit their operational needs, and a subsistence allowance of not more than HK\$1,500 per day for each room/suite on actual expenses basis.

*Standard of Hospitality Provided by the ISD*

Air ticket: Business class return tickets

Hotel accommodation: Accommodation in a five-star hotel (standard rooms in general)

Local transportation: Car service

Accountable non-cash allowance: Up to \$1,100 per day for meals and Internet fees, and so on, at the hotel.

## Annex 2

Expenditure Incurred by PD and  
the ISD in Receiving Visiting Guests

| Department                          | 2009-2010         | 2010-2011         | 2011-12           |
|-------------------------------------|-------------------|-------------------|-------------------|
|                                     | Financial year    | Financial year    | Financial year    |
|                                     | Expenditure(HK\$) | Expenditure(HK\$) | Expenditure(HK\$) |
| ISD (Sponsored Visitors' Programme) | 1,716,436         | 2,326,022         | 2,292,433         |
| PD                                  | 1,049,655         | 387,361           | 5,644,906         |

**MR PAUL TSE** (in Cantonese): *President, the figures in Annex 2 reveal that, in 2011-2012, more than \$5 million was spent by the PD in receiving foreign heads of state or senior officials. Compared with the previous two years, there was a difference of 14.6 times and 5.9 times respectively. On the other hand, we can note from the recent reports provided by the Audit Commission that the number of overseas visits made by the CEO in recent years appears to be particularly high compared with the figures of the previous three years. Compared with the previous two years — I have done some computation — the expenditure incurred in 2011-2012 was 2.6 times and 3.2 times compared with the previous two years.*

*Coincidentally, while the number of overseas visits made by local officials is on the rise and more money has been spent, the number of visiting guests received in Hong Kong appears to be on the rise, too. Regarding the Secretary's remark that we have to refer to some overseas practices in regard to our expenditure, I wonder if he has noted the fact that, except for very special reasons, the guidelines for the Prime Minister in the United Kingdom will strive not to encourage any officials to receive hospitality from foreign officials or countries.*

*In this respect, may I ask the Secretary what criteria do we have in determining when we should or should not receive some foreign heads of state to visit Hong Kong? When should approval be given or not be given? The current-term Chief Executive has stayed in overseas hotels for 142 nights in total, with 35% of the accommodation fees paid by the Chief Executive himself and 65% paid by the local hosts. Do these criteria have any bearing on the foreign officials received in Hong Kong?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): First of all, there is indeed a difference between the figure of 2011-2012 and those of the previous two years. As I explained in the main reply, the expenditure to be incurred would depend on whether there were heads of state or heads of government who could make the trips to visit Hong Kong.

In fact, over the past many years, there were times when we wished to invite some foreign guests to visit Hong Kong. According to our priority, they were mainly our major economic and trade partners and regional officials who have influence in promoting Hong Kong as an international financial centre. For instance, the Russian President was received by us in 2011-2012. Since Russia is an emerging market, we hope more Russian enterprises can be listed in Hong Kong. Furthermore, the Secretary of State of the United States and the Indonesian President also visited Hong Kong in the same year.

We mainly hope to invite some heads of state or heads of government who can bring direct or intangible benefits to Hong Kong on all fronts — especially in economic and trade and financial services — to visit Hong Kong.

As regards the example cited just now by Mr Paul TSE concerning the United Kingdom, insofar as Hong Kong is concerned, when civil servants or politically appointed officials are invited by, for instance, foreign governments, to pay sponsored overseas visits, they must, as spelt out clearly in our codes of practices, report such invitations to their superiors together with the purpose, itinerary and detailed arrangements of the visits for approval. Such visits can only be made after approval has been granted.

As many colleagues are quite busy in performing their public service in Hong Kong, in general, we could hardly make such sponsored visits.

**MS MIRIAM LAU** (in Cantonese): *President, it was mentioned in the main reply that the Report published by the Director was "not meant to pinpoint and penalize anybody". But, in fact, the Report reveals that the Chief Executive has stayed in the most extravagant and expensive presidential suites on numerous occasions during his overseas visits, and the Director considers it unreasonable for the Chief Executive to do so. In this connection, the Chief Executive has openly admitted his "mishandling of the various events", only that nothing else is done next.*

*Is the Chief Executive acting shamelessly? How can he be accountable? Does he need to be accountable? If he does, besides admitting his "mishandling of the various events", he should do more. For instance, regarding the taxpayers' money wasted, will the Government require him to ..... either donate the money to charities if not returned to the coffers or make other gestures to show that he is really accountable and will assume responsibility for his "mishandling of the various events"?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, regarding the criticisms set out in this Report and the inadequacies of the existing system pointed out therein, the Chief Executive and the CEO have publicly indicated that they have, in general, accepted those criticisms and the request made in the Report regarding the matters needed to be followed up by the Administration.

Besides its request for the drawing up of some internal rules and principles, the Report has also expressed the hope that the controlling officer responsible for approving the accommodation arrangements be upgraded from the Private Secretary to Chief Executive to the Permanent Secretary of the CEO. In this connection, as I pointed out in the main reply, the CEO and the relevant ETOs under the Commerce and Economic Development Bureau have agreed to undertake various follow-up actions.

As regards the Chief Executive's response and his handling of the matter, I noted his apology for his "mishandling" on public occasions (including in the Legislative Council). As regards other matters, I can hardly give any further response, disclosure or comments here on his behalf.

**MR KAM NAI-WAI** (in Cantonese): *It was pointed out in the last paragraph of part (a) of the main reply that, for the cases of ETOs, flights for individual ETO officers making overseas visits were upgraded to business class according to the relevant regulations. In fact, President, after reading many reports, we feel that "the mountain is high and the emperor is far away". No one cares about the wastage of public money by overseas ETOs.*

*Members can also see that, when it comes to the purchase of business class air tickets, they bought tickets costing around \$90,000 per head rather than the less expensive ones costing around \$40,000 per head. Although they could have*

*redeemed their air miles for upgrading their seats from economy to business class, they did not do so and instead put the air miles into their own pockets. Moreover, there is no requirement regarding the number of people making reconnaissance visits. As a result, several groups of people may have gone and returned, though such a large number of people were simply unnecessary. May I ask the Government how it will review and examine these ETO officers who wasted public money and whether there is any penalty system to prevent them from wasting taxpayers' public money again?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, the supplementary question consists of several parts. Perhaps let me begin with the part concerning air miles. According to the information I have obtained from my colleagues, the relevant ETO officers had not made any applications for redeeming their air miles earned from the airlines for private purposes. Our general principle is: Politically appointed officials or civil servants are not required to apply to relevant airlines for air miles in respect of their duty visits. However, if they do so, they are required to report all air miles to the relevant departments and use those air miles for duty visit journeys made for the relevant departments. This is our relevant requirement.

Regarding the other questions mentioned just now by Mr KAM Nai-wai in connection with the number of people making reconnaissance visits and the upgrading of seats, I have referred to the relevant information and found that the consideration given by colleagues of the ETO in the United States making the two relevant reconnaissance visits and one relevant visit was based on the Government's guidelines, including whether the flight time exceeds nine hours and whether the officers are required to perform official duties immediately after getting off the plane, as I pointed out in the main reply. If it is considered necessary to upgrade the long-haul flights for the relevant officers from economy to business class, applications have to be made to the Commerce and Economic Development Bureau. This is the first point.

Second, the information also reveals that not all ETO officers were upgraded to business class. For instance, the flights of two of the seven ETO officers making the second reconnaissance visit were not upgraded to business class. As for the formal visit, the flights of two of the eight ETO officers were not upgraded to business class, because the two officers were not required to start working immediately upon arrival. On the contrary, information shows that colleagues having their flights upgraded were required to join the United States

Department of State and the secretariat of the Congress of the United States for a work meeting and site visit starting from 9 am on that day immediately after getting off the plane. Hence, I believe colleagues in the Commerce and Economic Development Bureau considered, on basis of these actual operational needs, allowing them to be upgraded from economy to business class.

As regards the third question raised by Mr KAM Nai-wai concerning why, even if the upgrading of seats is warranted, less expensive business class air tickets were not purchased, I noted the explanation given by ETO colleagues in the relevant audits. One of the reasons is that the time of confirming the itinerary is very close to the time of the official visit, and such an arrangement is very often required due to the need for flexibility of the air tickets.

Furthermore, if air miles are used for upgrading, airlines will impose a lot of constraints, such as a limited number of seats and the need to apply to the airlines well in advance, and so on. Given these operational constraints, the use of air miles for upgrading will sometimes be restricted. Nevertheless, this does not mean that colleagues responsible for administration in the relevant departments will not heed Mr KAM Nai-wai's proposal. They will use these air miles as far as possible, and will continue to do so. If work conditions allow, they will certainly give priority to redeeming air miles for air tickets.

**MS EMILY LAU** (in Cantonese): *President, the Secretary pointed out that the Report — as stated by Ms Miriam LAU — was not meant to pinpoint and penalize anybody. Nevertheless, President, members of the public think that accountability is necessary and so the Report should be discarded.*

*Now we all agree that the implementation of the accountability system is ineffective. Like what he did last time, the Chief Executive merely came out with an apology and an expression like he was going to cry, in an effort to put an end to the matter. As a former CEO Director, the Secretary indicated that he would be doubly responsible, whereas Prof Gabriel LEUNG, the incumbent CEO Director, also said he would be accountable. But it turns out that all of them were just paying lip-service. How can such an accountability system be acceptable to the public? Hence, Secretary, will you please answer how you are going to be doubly responsible? How will Prof Gabriel LEUNG be*

*accountable? How will the Chief Executive be accountable? Or do they think that they have fulfilled their responsibility with just a few utterances?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, the Report has actually given a detailed record of the work flow of the arrangements for the relevant accommodation for overseas visits and specific arrangements for the trips, and a clear account is also given in its Appendix. Broadly speaking, over a very long period of time, these arrangements were made mainly by CEO colleagues responsible for administration upon the recommendation of ETO colleagues. It is pointed out in the Report that it was precisely due to such arrangements that problems had very often emerged in certain circumstances under the influence of adherence to old practices in the absence of judgment made by more senior officials or colleagues. This is one of the points mentioned in the Report.

The remedy proposed by the Director of Audit is that should the accommodation for the Chief Executive's visits exceed the standard rate of allowance in the future, approval from the Permanent Secretary of the Chief Executive's Office must be sought. In this connection, the CEO has agreed to implementing this proposal. However, this proposal precisely demonstrates that the CEO Director is often required to undertake policy co-ordination and political work for the Chief Executive, but is not responsible for undertaking administrative work. I am afraid I must point out this work flow. Nonetheless, as a department head, he must act like other heads of department. All along, even if colleagues at the administrative level — regardless of what they have done and whether or not they have done something wrong — if some issues have caused wide concern in society, department heads must admit their accountability for the issues and take appropriate follow-up action.

In this connection, the CEO is implementing in earnest a series of recommendations made in the Report. He will also submit the implementation plan during his tenure — as I mentioned just now, before 1 July — to the Chief Executive elect so that immediately upon taking office, he can make the Director's recommendations, especially those concerning internal regulations and principles, applicable to the CEO, all overseas ETOs and Mainland ETOs. I believe this is an appropriate way to rectify the existing problematic areas as well as the best response to public concern.



**MS EMILY LAU** (in Cantonese): *The point is that everyone has admitted that the approach is inappropriate after the situation has come to light. So, how should the accountability system be manifested? There must be some sort of punishment, be it a pay cut or suspension from duty, especially given the Secretary's remark that he will be doubly responsible. So, what will he do? Will he pay the coffers double the sum of the money? Will that sum of money be donated to charities? Are there any other ways to manifest the accountability system?*

**PRESIDENT** (in Cantonese): The Secretary already explained his understanding of accountability just now. Nonetheless, Secretary, do you have anything to add regarding punishment and pay cut?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I believe both CEO Director Prof Gabriel LEUNG and I, as well as people who used to be CEO Director or hold similar posts, all understand that department heads often have sore subjects. Certainly, in the event that a situation has occurred, improvement must be made to the unsatisfactory areas. Meanwhile, we have to bear the consequences of being criticized by the public. I believe both CEO Director Prof Gabriel LEUNG and I, as well as other former CEO Directors, are prepared to listen humbly to the criticisms made by the public and Members of this Council.

In fact, after this incident has come to light, Members will definitely not let off the Chief Executive, the CEO Director, and any colleagues in the CEO, and severe criticisms and accusations will be made whenever this incident is mentioned. Concerning the punishment for this incident, I believe we still have to face and bear these criticisms and accusations for a while. This is indeed a considerable demand for accountability on us in terms of mental quality.

**PRESIDENT** (in Cantonese): We have spent more than 24 minutes on this question. Oral questions end here.

**WRITTEN ANSWERS TO QUESTIONS****Secondment of Civil Aviation Department's Staff to Local Airlines**

7. **MR LEE CHEUK-YAN** (in Chinese): *President, at present, professional qualifications in the aviation industry are required for appointment to some professional grades in the Civil Aviation Department (CAD), for example, some CAD staff are required to obtain a professional pilot's licence (licence) or licences of higher levels. To obtain licences of higher levels, candidates are required to accumulate certain hours of flying. As the CAD currently lacks the relevant aeronautical facilities, CAD staff are seconded to local airlines for training and accumulating working experience. In this connection, will the Government inform this Council:*

- (a) *of the posts under the establishment of the CAD at present which require secondment of the post holders to local airlines for training to enable them to obtain the professional qualifications required; and the levels of professional qualifications they may obtain upon completion of such training;*
- (b) *of the total number of CAD staff seconded to local airlines for training in the past 10 years, together with details including the name of the airline to which each staff member had been seconded, the duration of each secondment, the post taken up by each staff member during the secondment in the airline concerned, the post taken up upon reversion to the CAD and the career advancement afterwards;*
- (c) *of the respective number of training places provided by each local airline to the CAD in the past 10 years, as well as the criteria adopted by the authorities in selecting such airlines;*
- (d) *whether the seconded staff are employees of the CAD or the airlines concerned during the training period, and if they are entitled to the salary and benefits provided by the airlines; and*
- (e) *whether the seconded staff will handle matters relating to the airlines which provided training for them after they revert to work at*

*the CAD; if they will, of the mechanism put in place by the authorities to avoid conflict of interest or roles and ensure that the staff concerned will handle the matters impartially?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President,

- (a) Under the current establishment of the CAD, operations inspectors must possess a professional flight crew licence and relevant flying experience. In general, the CAD recruits qualified operations inspectors via open recruitment exercises. However, as personnel with the required qualification are in high demand in the aviation industry, the CAD will, when necessary, arrange serving operations officers or senior operations officers, who hold a professional flight crew licence and are suitably experienced, to be seconded to local airlines for training and achieving the relevant flying experience, so that they can perform the duties of an operations inspector in future.

Should CAD staff pass the relevant tests upon completion of flying training, they would be granted the corresponding Aircraft Rating and Instrument Rating. Holders of these two qualifications may operate specific types of aircraft, and navigate the aircraft by using the appropriate flight instrument.

- (b) In the last decade, the CAD seconded a total of four operations officers or senior operations officers to airlines to perform co-pilot duties. Details are as follows:

| <i>Secondment Periods</i>     | <i>Airlines</i>                   |
|-------------------------------|-----------------------------------|
| August 2001 to September 2002 | Cathay Pacific Airways Limited    |
| October 2002 to November 2003 | Hong Kong Dragon Airlines Limited |
| November 2003 to August 2004  | Hong Kong Dragon Airlines Limited |
| September 2005 to March 2007  | Cathay Pacific Airways Limited    |

After the secondment, these officers resumed their respective duties as operations officers or senior operations officers at the CAD. As

with all other CAD staff, their promotion are administered in accordance with the procedures and principles set out in the Civil Service Regulations (CSR), that is, selection by integrity, competency and experience, and so on.

- (c) The CAD does not have a prescribed quota with local airlines for the secondment of CAD staff for training. When there is a justified need for making such secondment arrangement, the CAD would liaise with individual local airlines. Generally speaking, any local airlines who are holders of an Air Operator's Certificate (AOC) issued by the CAD may be invited to partake in a secondment scheme.
- (d) Prior to arranging a secondment, the CAD's scheme must be approved by the Civil Service Bureau. The secondee for flying training with the airlines will remain as a civil servant, whose salary and benefits are paid and provided by the CAD.
- (e) Operations inspectors are mainly responsible for assessing the qualifications of AOC applicants and the oversight of the operations of local airlines which are holders of the said Certificate and Hong Kong registered aircraft. The CAD has established a rigorous mechanism for the issue of AOC and surveillance of holders of the said Certificate and operation of Hong Kong registered aircraft. Relevant CAD staff must adhere to the applicable laws, the procedures laid down by the CAD and the CSR when discharging their duties. In addition, every task is subject to counter-checks by different CAD officers of various ranks to ensure work is handled in an impartial and proper way. Therefore, upon the return of the staff from the secondment programme to the CAD, there will not be any conflict of interest with the airlines concerned.

### **Elderly Health Centres**

8. **MR WONG YUK-MAN** (in Chinese): *President, the elderly residents in Sham Shui Po have complained about the unduly long waiting time for registering as members of and making physical check-up appointments at the*

*Nam Shan Elderly Health Centre in Sham Shui Po, and similar situations are also very common among the elderly health centres (EHCs) in other districts. The Department of Health (DH) has responded that as the services of EHCs are heavily subsidized, there is a huge demand for such services, and the DH understands how the elderly feel when they have to wait a long time. In this connection, will the Government inform this Council whether:*

- (a) the DH is identifying suitable locations in the various districts in Hong Kong for setting up EHCs to cater for the medical needs of an ageing population; if not, of the reasons for that; and*
- (b) the Food and Health Bureau will formulate long-term plans to allocate additional resources to the DH for recruiting more manpower for EHCs and setting up more EHCs; if not, of the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the Elderly Health Services of the DH has established 18 EHCs in Hong Kong, one in each district, to provide comprehensive primary healthcare services, including health assessment, physical check-up and curative treatment, to persons aged 65 or above. The focus of the services is on provision of individual counselling and health education to elders with such health risks as propensity to fall, overweight, insufficient physical activities or unhealthy diet. As the service charge is very low (the annual membership fee is \$110) and is heavily subsidized, there is a huge demand for EHCs' services.

To shorten the waiting time for EHC membership, EHCs have simplified the questionnaire used for health assessment and streamlined the items and procedures of health assessment for existing members, with a view to allocating additional manpower and resources to meet the needs of elders on the waiting list. To narrow the gap in waiting time among different EHCs, each EHC provides information on those EHCs with shorter waiting time for enrolment as members. Elders may choose to apply for membership at these EHCs. After the implementation of the above measures, the waiting time of elders has been reduced significantly.

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

- (a) With an ageing population, there is an ever increasing demand for primary healthcare services among elders. The provision of substantially subsidized primary healthcare services by EHCs has induced a huge demand for EHCs' services, and EHCs alone cannot meet the healthcare needs of all elders. The Government has therefore launched a number of initiatives including implementation of the Elderly Health Care Voucher Pilot Scheme, and the Seasonal Influenza Vaccination and Pneumococcal Vaccination Programmes, as well as promotion of primary care to assist elders in choosing suitable family doctors, to provide elders with one-stop health services. Hence, EHCs are not the only providers of health services for elders.

Furthermore, the main objective of establishing EHCs is to promote the physical well-being of elders. While physical check-ups may facilitate early detection of diseases, the most effective ways to prevent diseases are to understand their causes, the prevention methods and risk factors, maintain a healthy lifestyle (such as refraining from smoking, keeping a balanced diet, taking exercises regularly, pursuing a normal social life and being positive), and consult doctors when there are symptoms of illnesses. These prevention methods are more important and cost-effective than physical check-ups. Hence, another approach of the Elderly Health Services of the DH is to provide elders with proper health information by way of production of leaflets, compact discs and books, and so on.

The DH is now actively identifying suitable sites for relocation of those EHCs with obsolete equipment and insufficient space so as to improve the environment and services of these centres.

- (b) Apart from EHCs, the general out-patient clinics under the Hospital Authority, private medical practitioners and some health centres operated by non-governmental organizations (NGOs) also provide primary healthcare services to elders. At present, promotional and publicity materials on health assessment services offered by NGOs which are reasonably priced are also maintained by each EHC to provide elders with an additional choice. Under the Elderly Health



- (b) *whether the HA anticipates that there will be a sufficient number of experienced allied health professionals by that time to fill those vacancies arising from the retirement of allied health professionals; if so, the details; if not, how the authorities will resolve the relevant problem; and*
- (c) *whether the HA will focus on the retirement of experienced allied health professionals one after another and introduce new measures to retain experienced allied health professionals to work for the HA; if it will, the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, with an ageing population and advancement in medical technology, there is an increasing demand for healthcare services in the community, and the manpower requirement for healthcare personnel grows commensurately. We have set up the Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development, chaired by the Secretary for Food and Health, to conduct a strategic review on healthcare manpower planning and professional development in Hong Kong. The Steering Committee is tasked to formulate recommendations on how to cope with anticipated demand for healthcare manpower, strengthen professional training and facilitate professional development having regard to the findings of the strategic review, with a view to ensuring the healthy and sustainable development of our healthcare system. On the training for healthcare professions, with funding approved by the Finance Committee of the Legislative Council, the Government will, for the three years starting from 2012-2013, allocate an addition of \$200 million to increase the number of first-year first-degree places in medicine by 100 to 420 per year, nursing by 40 to 630 per year and allied health professional by 146.

Over the past few years, the HA has adopted a series of measures to address manpower issues. In 2011-2012, the HA has recruited 550 additional allied health professionals to meet the service needs.

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

- (a) The numbers of allied health professionals (including clinical psychologists, dietitians, medical social workers, occupational therapists, physiotherapists, prosthetist-orthotists, speech therapists, medical technologists, radiographers, radiotherapists, pharmacists



and dispensers) reaching retirement age in the coming 10 years as anticipated by the HA, broken down by grades, are set out below:

| <i>Clinical psychologist</i> |           |           |           |           |           |           |           |           |           |           |
|------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>                  | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East               | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 2         | 0         |
| Hong Kong West               | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 1         |
| Kowloon Central              | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 2         |
| Kowloon East                 | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 1         | 0         | 0         |
| Kowloon West                 | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 1         |
| New Territories East         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 1         | 0         |
| New Territories West         | 0         | 1         | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 0         |
| Total                        | 0         | 2         | 0         | 1         | 0         | 2         | 2         | 3         | 5         | 4         |

| <i>Dietitian</i>     |           |           |           |           |           |           |           |           |           |           |
|----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>          | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Hong Kong West       | 0         | 1         | 0         | 1         | 0         | 1         | 0         | 0         | 0         | 0         |
| Kowloon Central      | 0         | 0         | 1         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| Kowloon East         | 1         | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| Kowloon West         | 0         | 0         | 0         | 0         | 0         | 0         | 2         | 0         | 2         | 0         |
| New Territories East | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 1         |
| New Territories West | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 0         |
| Total                | 2         | 1         | 1         | 1         | 0         | 4         | 3         | 1         | 2         | 1         |

| <i>Medical social worker</i> |           |           |           |           |           |           |           |           |           |           |
|------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>                  | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East               | 0         | 0         | 0         | 0         | 1         | 1         | 0         | 1         | 0         | 0         |
| Hong Kong West               | 1         | 0         | 0         | 0         | 1         | 1         | 0         | 1         | 0         | 0         |
| Kowloon Central              | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 2         | 0         |
| Kowloon East                 | 0         | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 2         | 1         |
| Kowloon West                 | 0         | 0         | 0         | 1         | 0         | 1         | 1         | 1         | 8         | 2         |
| New Territories East         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| New Territories West         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         |
| Total                        | 1         | 0         | 0         | 1         | 3         | 5         | 2         | 3         | 13        | 3         |

| <i>Occupational therapist</i> |           |           |           |           |           |           |           |           |           |           |
|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>                   | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East                | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 2         | 0         | 0         |
| Hong Kong West                | 0         | 0         | 0         | 0         | 0         | 0         | 3         | 0         | 0         | 1         |
| Kowloon Central               | 0         | 0         | 0         | 0         | 0         | 1         | 2         | 2         | 1         | 4         |
| Kowloon East                  | 0         | 0         | 0         | 0         | 0         | 0         | 2         | 1         | 1         | 2         |
| Kowloon West                  | 0         | 0         | 1         | 0         | 1         | 1         | 2         | 3         | 3         | 1         |
| New Territories East          | 0         | 0         | 0         | 0         | 0         | 0         | 2         | 2         | 0         | 1         |
| New Territories West          | 0         | 0         | 0         | 0         | 0         | 0         | 2         | 0         | 0         | 0         |
| Total                         | 0         | 0         | 1         | 0         | 1         | 3         | 14        | 10        | 5         | 9         |

| <i>Physiotherapist</i> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Year</i>            | <i>2012-2013</i> | <i>2013-2014</i> | <i>2014-2015</i> | <i>2015-2016</i> | <i>2016-2017</i> | <i>2017-2018</i> | <i>2018-2019</i> | <i>2019-2020</i> | <i>2020-2021</i> | <i>2021-2022</i> |
| Hong Kong East         | 0                | 1                | 0                | 1                | 0                | 1                | 0                | 2                | 0                | 1                |
| Hong Kong West         | 0                | 0                | 0                | 0                | 2                | 1                | 1                | 1                | 3                | 2                |
| Kowloon Central        | 0                | 0                | 1                | 0                | 0                | 2                | 0                | 1                | 1                | 3                |
| Kowloon East           | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 2                |
| Kowloon West           | 0                | 2                | 2                | 2                | 0                | 2                | 1                | 0                | 1                | 2                |
| New Territories East   | 0                | 0                | 0                | 0                | 0                | 3                | 1                | 2                | 1                | 3                |
| New Territories West   | 0                | 0                | 0                | 0                | 1                | 0                | 1                | 0                | 0                | 1                |
| Total                  | 0                | 3                | 3                | 3                | 3                | 9                | 4                | 7                | 6                | 14               |

| <i>Prosthetist-orthotist</i> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Year</i>                  | <i>2012-2013</i> | <i>2013-2014</i> | <i>2014-2015</i> | <i>2015-2016</i> | <i>2016-2017</i> | <i>2017-2018</i> | <i>2018-2019</i> | <i>2019-2020</i> | <i>2020-2021</i> | <i>2021-2022</i> |
| Hong Kong East               | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 1                | 0                |
| Hong Kong West               | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 0                | 0                | 2                |
| Kowloon Central              | 0                | 1                | 0                | 0                | 0                | 0                | 1                | 0                | 0                | 3                |
| Kowloon East                 | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 1                | 0                |
| Kowloon West                 | 1                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 1                | 0                |
| New Territories East         | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 2                | 2                | 0                |
| New Territories West         | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 0                | 2                |
| Total                        | 1                | 1                | 0                | 0                | 0                | 1                | 2                | 5                | 5                | 7                |

| <i>Speech therapist</i> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|-------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Year</i>             | <i>2012-2013</i> | <i>2013-2014</i> | <i>2014-2015</i> | <i>2015-2016</i> | <i>2016-2017</i> | <i>2017-2018</i> | <i>2018-2019</i> | <i>2019-2020</i> | <i>2020-2021</i> | <i>2021-2022</i> |
| Hong Kong East          | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                |
| Hong Kong West          | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 0                |
| Kowloon Central         | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 1                |
| Kowloon East            | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                |
| Kowloon West            | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                |
| New Territories East    | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                | 0                |
| New Territories West    | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 0                | 0                | 0                |
| Total                   | 0                | 0                | 0                | 0                | 0                | 1                | 0                | 1                | 1                | 2                |

| <i>Medical technologist</i> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Year</i>                 | <i>2012-2013</i> | <i>2013-2014</i> | <i>2014-2015</i> | <i>2015-2016</i> | <i>2016-2017</i> | <i>2017-2018</i> | <i>2018-2019</i> | <i>2019-2020</i> | <i>2020-2021</i> | <i>2021-2022</i> |
| Hong Kong East              | 0                | 0                | 1                | 2                | 2                | 2                | 2                | 2                | 1                | 6                |
| Hong Kong West              | 3                | 2                | 3                | 5                | 6                | 4                | 5                | 2                | 4                | 9                |
| Kowloon Central             | 1                | 1                | 1                | 2                | 1                | 1                | 1                | 3                | 8                | 5                |
| Kowloon East                | 0                | 1                | 2                | 0                | 0                | 1                | 2                | 2                | 1                | 4                |
| Kowloon West                | 0                | 2                | 4                | 4                | 3                | 6                | 3                | 4                | 3                | 5                |
| New Territories East        | 1                | 0                | 2                | 2                | 5                | 4                | 3                | 7                | 7                | 10               |
| New Territories West        | 0                | 2                | 1                | 0                | 0                | 2                | 2                | 0                | 1                | 2                |
| Total                       | 5                | 8                | 14               | 15               | 17               | 20               | 18               | 20               | 25               | 41               |

| <i>Radiographer</i>  |           |           |           |           |           |           |           |           |           |           |
|----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>          | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East       | 0         | 1         | 1         | 0         | 1         | 0         | 1         | 1         | 3         | 4         |
| Hong Kong West       | 0         | 0         | 0         | 0         | 1         | 3         | 0         | 2         | 3         | 4         |
| Kowloon East         | 0         | 0         | 2         | 0         | 1         | 1         | 1         | 2         | 6         | 1         |
| Kowloon West         | 0         | 1         | 0         | 1         | 0         | 2         | 1         | 2         | 0         | 2         |
| Kowloon Central      | 1         | 1         | 1         | 0         | 0         | 2         | 4         | 2         | 2         | 6         |
| New Territories East | 0         | 0         | 0         | 1         | 1         | 0         | 3         | 4         | 0         | 3         |
| New Territories West | 1         | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 3         | 2         |
| Total                | 2         | 3         | 4         | 2         | 4         | 8         | 11        | 14        | 17        | 22        |

| <i>Radiotherapist</i> |           |           |           |           |           |           |           |           |           |           |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>           | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East        | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         |
| Hong Kong West        | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 0         | 0         |
| Kowloon East          | 0         | 0         | 0         | 1         | 0         | 1         | 0         | 2         | 4         | 0         |
| Kowloon West          | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Kowloon Central       | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| New Territories East  | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 1         | 0         |
| New Territories West  | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 1         | 1         |
| Total                 | 0         | 0         | 0         | 1         | 0         | 1         | 3         | 5         | 6         | 1         |

| <i>Pharmacist</i>    |           |           |           |           |           |           |           |           |           |           |
|----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>          | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East       | 1         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 1         | 2         |
| Hong Kong West       | 0         | 0         | 0         | 0         | 2         | 0         | 1         | 0         | 2         | 4         |
| Kowloon East         | 0         | 0         | 0         | 1         | 1         | 2         | 0         | 1         | 0         | 1         |
| Kowloon West         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 1         | 0         |
| Kowloon Central      | 1         | 0         | 2         | 2         | 0         | 1         | 2         | 1         | 0         | 0         |
| New Territories East | 0         | 0         | 2         | 0         | 0         | 1         | 1         | 0         | 2         | 0         |
| New Territories West | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 0         |
| Total                | 2         | 0         | 5         | 4         | 3         | 4         | 4         | 3         | 6         | 7         |

| <i>Dispenser</i>     |           |           |           |           |           |           |           |           |           |           |
|----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Year</i>          | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 |
| Hong Kong East       | 3         | 1         | 1         | 1         | 1         | 0         | 4         | 1         | 2         | 7         |
| Hong Kong West       | 1         | 0         | 1         | 1         | 1         | 1         | 2         | 0         | 1         | 6         |
| Kowloon East         | 1         | 0         | 1         | 0         | 1         | 3         | 2         | 2         | 1         | 8         |
| Kowloon West         | 0         | 0         | 0         | 0         | 0         | 1         | 2         | 5         | 4         | 3         |
| Kowloon Central      | 2         | 0         | 0         | 2         | 1         | 2         | 6         | 5         | 6         | 9         |
| New Territories East | 0         | 0         | 1         | 1         | 2         | 0         | 3         | 5         | 4         | 4         |
| New Territories West | 1         | 0         | 1         | 2         | 1         | 0         | 0         | 0         | 2         | 6         |
| Total                | 8         | 1         | 5         | 7         | 7         | 7         | 19        | 18        | 20        | 43        |

- (b) The HA has always endeavoured to promote the continuing professional development of allied health professionals in order to effectively replenish the loss of professional skills arising from the turnover of allied health professionals. To tie in with the development of the allied health grades, the HA established the Institute of Advanced Allied Health Studies in 2007 to develop structured and long-term training plans for allied health professionals. It also provides courses on specialist and multidisciplinary training and personal development, including a three-year in-service training course for new recruits. The HA subsidizes allied health professionals to attend short-term courses or internship programmes overseas so that they can draw on the service skills and experience in different countries. The HA also sponsors about 100 allied health professionals each year to undertake degree/master degree courses. To enhance the clinical skills of serving staff, the HA has employed additional allied health professionals in 2011-2012 to promote clinical skill enhancement training in the hospital clusters. In collaboration with local and overseas universities, the HA also organizes training courses for pharmacy and paediatrics specialties having regard to the service development needs.

Besides, the HA has implemented a new pilot scheme on professional development framework for three specialties in allied health grades (including the musculoskeletal specialty in the physiotherapist grade, the mental health specialty in the occupational therapist grade and the ultrasonography specialty in the diagnostic radiographer grade) since 2008-2009. Three consultant therapist/diagnostician posts and 23 senior therapist/diagnostician posts have also been created. After a review in 2010-2011, the effectiveness of the above scheme was confirmed to be satisfactory. The HA is studying the extension of the scheme to other specialties or allied health grades.

In general, the HA conducts manpower deployment and planning having regard to service development and manpower wastage every year, in order to cope with the service needs. This includes the filling of vacancies subsequent to the retirement of allied health professionals.

- (c) To retain experienced allied health professionals, the HA has taken proactive measures to provide them with better career prospects and professional development and improve their working conditions, so as to boost staff morale. In 2011-2012, a total of more than 280 allied health professionals were promoted. Besides, the HA has introduced new employment conditions for three grades (including diagnostic radiographers, radiation therapists and podiatrists), with a view to attracting overseas applicants while strengthening local and overseas recruitment. In 2010-2011, the HA extended the overseas training subsidy scheme to cover undergraduate courses on diagnostic radiography. Since the introduction of the scheme, 25 students have been subsidized. To enhance training for allied health professionals, the HA has recruited additional staff for various grades in 2011-2012 to enable more staff to participate in training courses without affecting the daily operation of their departments. To enhance the work efficiency and occupational safety of allied health professionals, the HA has replaced a total of more than 500 medical instruments and equipment in 2011-2012 and recruited additional patient care assistants to assist in the daily operation of various departments, so as to alleviate the work pressure on front-line staff.

In 2012-2013, the HA will further implement a series of measures to increase allied health manpower and retain talents, including strengthening allied health teams, enhancing the training and development of allied health professionals, conducting overseas recruitment for radiographers, implementing an overseas degree course subsidy scheme for individual grades where the local training places were insufficient to meet the manpower needs (for example, radiographers and chiropodists), re-engineering work processes and streamlining work procedures, as well as recruiting additional patient care assistants.

### **Asbestos Control for Demolition Works**

10. **MRS REGINA IP** (in Chinese): *President, it has been recently reported in the press that it is suspected that the demolition works of the former civil servant quarters (quarters) on Borrett Road in Mid-levels west did not comply with the*

*regulations, causing carcinogenic asbestos materials to spread to the residential buildings, schools and kindergartens within 100 m of the quarters, and jeopardizing public health. It has also been reported that it is suspected that the incident is attributable to a registered asbestos consultant (asbestos consultant) having mistakenly reported the quarters as asbestos-free. According to some medical reports, asbestos is a kind of fibre not detectable by naked eyes and can stay in air for a long time and, if inhaled, it will reside in human bodies for years and increase the risk of lung cancer and mesothelioma. Other research studies have also indicated that exposure to asbestos will increase the risk of quite a number of cancer diseases (including gastrointestinal cancer, colorectal cancer and cancers of the throat, kidney, esophagus and gallbladder), and the symptoms of asbestos-related diseases may not appear until about 10 to 40 years after the first exposure to asbestos. In this connection, will the Government inform this Council:*

- (a) given that in connection with asbestos abatement works, a Member of this Council has asked the authorities whether they will publish a list of the target buildings (the buildings) confirmed to contain asbestos materials, and the authorities have replied that they "have to observe the feelings of the owners and occupants of the buildings concerned, and do not wish to create a wrong impression to the public that all these buildings are dangerous" and refused to publish the list concerned, and focusing on the aforesaid incident of misreporting by the asbestos consultant, whether the authorities will reconsider publishing the list concerned to enable workers and members of the public to understand the situation and take precautions accordingly before carrying out maintenance works to the buildings;*
- (b) of the existing licensing and examination system for asbestos consultants; the mechanism put in place by the authorities, apart from relying on supervision by asbestos consultants, to ensure that the buildings are demolished in a safe manner; and how waste materials containing asbestos are disposed of properly;*
- (c) given that the Hong Kong Construction Industry Employees General Union has pointed out that among the nearly 1 000 construction workers who underwent subsidized physical check-ups last year, 13% have suspected lung problems, of the total numbers of*

*confirmed cases of asbestosis and mesothelioma in Hong Kong in the past five years, together with the respective numbers of such cases involving construction workers; of the specific details of the support offered by the Development Bureau, Labour Department and Environmental Protection Department (EPD) to the workers concerned; given that the symptoms of asbestos-related diseases may not appear until about 10 to 40 years after the first exposure to asbestos, of the policies, in addition to the Pneumoconiosis Compensation Fund, the authorities have in place to help the workers who have no way to claim compensation;*

- (d) *given that it was reported in March this year that of the 1 100 "asbestos old buildings" in Hong Kong, over 200 are located in To Kwa Wan district with a total of around 50 canopies with asbestos, how the authorities follow up cases of owners not agreeing to demolish such asbestos canopies; how they can effectively safeguard the health of the residents in the district; given that it has also been reported that some owners have yet to demolish the asbestos canopies after a long time because they cannot afford the huge costs involved, whether the authorities will set up a department dedicated to handling such matters, and subsidize the demolition works to be commissioned by owners; and*
- (e) *given that at present any person who fails to appoint a registered asbestos contractor to carry out asbestos abatement works is liable to a fine of \$200,000 and to imprisonment for six months if convicted, yet it was reported in 2009 that each year, there were about 100 cases in which the persons prosecuted by the EPD were convicted and only fines of \$2,000 to \$6,000 were imposed on them, and the lack of deterrent effect of the relevant penalties may become an incentive for owners to commission low-cost asbestos abatement works which do not comply with the regulations, of the number of prosecutions instituted by the authorities for illegal demolition of buildings containing asbestos materials in the past five years; what other measures are implemented by the authorities at present which are targeted at such illegal activities; whether the authorities have any plan to increase the penalties and step up inspection efforts?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): President, all works involving asbestos containing material are regulated by the Air Pollution Control Ordinance (Cap. 311) (APCO), and the EPD is responsible for enforcement of the APCO. Premises owners are required to engage registered asbestos consultants to carry out investigation on any intended works that may involve asbestos containing material and submit asbestos abatement plans for vetting and approval by the EPD. The Buildings Department (BD) also sets relevant requirements for registered contractors, authorized persons and registered structural engineers in its Practice Notes. All persons engaged in the repair, maintenance and demolition works of buildings shall comply with the requirements of the relevant legislation and practice notes when carrying out works involving asbestos containing material.

When inspecting the demolition works of the former quarters for civil servants on Borrett Road in early February this year, the EPD suspected that some pipes and cable trunking contained asbestos material. Upon confirmation after sampling and testing, the EPD immediately ordered the persons concerned to stop the demolition works at the above site. The EPD requested the owner of the above site to carry out an investigation on asbestos again and submit an asbestos abatement plan for its approval. The registered asbestos contractor could only carry out asbestos abatement works after the EPD's approval of the abatement plan, and the building demolition works could only be carried out after complete removal of the asbestos containing material. The EPD then approved the asbestos abatement plan in respect of the above site, and the asbestos abatement works commenced. It is expected that all asbestos abatement works will be completed this summer. While asbestos abatement works were in progress, all air monitoring results obtained in the vicinity of the site and at the sensitive locations nearby met the requirements, indicating that the surrounding environment had not been polluted by asbestos. The EPD now continues to investigate the suspected breach at the above site and will consider taking further enforcement action.

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

- (a) Currently, most of the works involving asbestos are related to the clearance of unauthorized building works (UBW) or addition of building structure, maintenance or demolition of old buildings. Asbestos containing material commonly found in old buildings, such as corrugated asbestos cement sheets, if in good condition, will not



release asbestos fibres and thus pose no health risks to the residents or the public. The presence of asbestos containing material can only be ascertained after sampling and testing, and some such material may be concealed inside building services installations and are not easily accessible during normal use. Its presence can only be ascertained after comprehensive assessment by a registered asbestos consultant. As such, the Government does not have a list of buildings in Hong Kong with asbestos containing material.

When the BD mounts large-scale clearance operations against UBW, the EPD will monitor and follow up on the presence of asbestos containing material in the UBW. The BD will co-operate with the EPD in its enforcement action regarding the clearance of UBW. During inspection, if the BD suspects that there is asbestos containing material in an UBW, it will enclose a pamphlet on asbestos control published by the EPD with its advisory letter and relevant order to help the landlord or occupier of the premises understand whether there is asbestos containing material in the UBW to be cleared, the measures to be taken and the proper way to handle asbestos containing waste.

- (b) One of the functions of the Asbestos Administration Committee (AAC), set up under section 52 of the APCO, is to assist with processing applications for inclusion in the registers of asbestos professionals. For registration as an asbestos consultant, a person must have completed a recognized asbestos management training course and have no fewer than 12 months' recognized work experience in asbestos abatement works and management. He must also have a university degree in science or engineering or equivalent qualifications. Applications will be considered by the AAC. The detailed requirements for registration as an asbestos consultant are available on the EPD's website.

As pointed out in part (a) of the reply, under the existing mechanism, when mounting large-scale clearance operations against UBW or upon receipt of an application for building demolition, the BD will notify the EPD to follow up accordingly. The BD has also included in its Code of Practice for Demolition of Buildings and Technical Guidelines on Minor Works Control System the requirements for

proper handling of asbestos containing material. In addition, disposal of asbestos waste shall comply with the requirements under the Waste Disposal Ordinance. They include proper packaging, labelling and storage as chemical waste, prior notification to the EPD before disposal, and the engagement of licensed waste collectors to deliver the waste to landfills for final disposal.

- (c) Asbestosis and mesothelioma are compensable diseases under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance. The Employees' Compensation Division of the Labour Department assists with the referral of workers to the Pneumoconiosis Medical Board (PMB) for medical examination. Despite the fairly long incubation period of asbestosis and mesothelioma, a worker who has been diagnosed by the PMB as suffering from asbestosis and/or mesothelioma and has been resident in Hong Kong for five years or more is entitled to the payment of compensation by the Pneumoconiosis Compensation Fund Board (PCFB), regardless of when the symptoms are detected. Patients with fewer than five years' residence in Hong Kong will only be eligible if the diseases are contracted in Hong Kong. Compensation payable under the Ordinance includes compensation for incapacity; compensation for any pain, suffering and loss of amenities; compensation for constant attention, medical expenses, expenses for medical appliances; and, compensation for death and funeral expenses.

Apart from payment of compensation, the PCFB also finances rehabilitation programmes for patients. Through hospitals under the Hospital Authority and non-governmental organizations, the PCFB arranges professional medical staff and social workers to provide rehabilitation services for patients. They include home visits, vaccination, counselling services, health talks, teaching of caring skills, physical training, and social rehabilitation activities.

In addition, the PCFB actively organizes various publicity, education and promotional activities to increase the knowledge of construction workers, contractors and the general public of the diseases and their prevention and cure. The aim is to enhance their awareness of prevention so that effective protective measures can be adopted to prevent or reduce the risk of the diseases. These activities include

talks, training sessions, exhibitions, dissemination of leaflets, display of posters and media advertising.

Between 2007 and 2011, 63 cases of asbestosis and mesothelioma were confirmed by the PMB and compensation was granted. Among these cases, 36 patients (that is, 57%) had been engaged in the construction industry.

- (d) Regarding unauthorized canopies, under the existing enforcement policy against UBW, the BD will issue removal orders in respect of unauthorized canopies (including those with asbestos containing material), requiring their removal by the owners concerned. If removal has not been carried out when a removal order expires, the BD will arrange for government contractors and, where necessary, registered asbestos contractors, to remove the unauthorized canopies and recover the costs involved in full from the owners afterwards.

Starting from 1 April 2011, the Hong Kong Housing Society and Urban Renewal Authority have integrated and optimized a number of assistance schemes. The "Integrated Building Maintenance Assistance Scheme" (IBMAS) has been launched to provide owners in need with one-stop financial assistance and technical support. Apart from the IBMAS, eligible elderly owners can also apply for assistance under the "Building Maintenance Grant Scheme for Elderly Owners". Owners may also apply for assistance under the "Comprehensive Building Safety Improvement Loan Scheme" administered by the BD. Owners who need to carry out removal works can obtain assistance through the above schemes.

- (e) In the five years from 2007 to 2011, the EPD conducted a total of 4 024 site inspections targeting asbestos abatement works to ensure that the abatement procedures and installations would fully comply with the requirements under the APCO. Over the past five years, the EPD instituted action against breaches of the statutory requirements. Below is the number of convictions:

| <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> |
|-------------|-------------|-------------|-------------|-------------|
| 125         | 86          | 68          | 54          | 48          |

Under sections 73 and 77 of the APCO, if a person carries out asbestos abatement work without prior written notice to the EPD or without engaging a registered asbestos contractor, he may be liable to a maximum fine of \$200,000 and to imprisonment for six months. Over the past five years, the maximum and average fines for the convictions were \$20,000 and \$3,500 respectively. We believe the current regulatory regime and penalties have real deterrent effect on owners and people engaged in illegal asbestos abatement works.

The EPD will continue to step up enforcement action against all non-compliant asbestos works through site inspections and prosecution of offenders. It would also step up public education with a view to raising public awareness of the risks posed by improper handling of asbestos. A concise pamphlet on the requirements for the clearance of UBW containing asbestos has been published and widely distributed to owners of premises, authorized persons, contractors and other parties concerned. The pamphlet has been uploaded onto the EPD's website for public inspection. Members of the public may also call the EPD Hotline on 2838 3111 to lodge complaints against any potential non-compliant asbestos removal works.

### **Planning for Old Market Towns in the New Territories**

11. **MR CHAN HAK-KAN** (in Chinese): *President, quite a number of residents in the old market towns (including Shek Wu Hui in Sheung Shui, Luen Wo Hui in Fanling and Tai Po Market) in the New Territories have relayed to me that the planning for old market towns fails to catch up with the overall development in the districts, and the transport and ancillary facilities are very outdated, resulting in some vacant government lots being used as temporary car parks on a long-term basis. They have further pointed out that there are distinctive communal features in old market towns and suggested the implementation of revitalization and conservation programmes through which both environmental improvement and promotion of local economy will be achieved. In this connection, will the Government inform this Council:*

- (a) *of the respective population structure of the aforesaid three market towns in the past five years; and the anticipated changes in population in the next five years;*
- (b) *of the respective numbers of vehicle parking spaces in the aforesaid three market towns at present; whether it has considered increasing the number of parking spaces or building car parks to meet the demand; if it has, of the details; if not, the reasons for that;*
- (c) *given that the Luen Wo Market in Luen Wo Hui of Fanling has been lying idled since it ceased operation in 2002, of the reasons for the absence of any specific development plan to date, even though the Market has been classified as a Grade 3 historic building; whether it will consider revitalizing and conserving the Market; if it will, of the details; if not, the reasons for that;*
- (d) *given that some traditional buildings with historical value in the aforesaid three market towns (for example, Old District Office North (ODON) and the Former Sheung Shui Public Library Building at Fu Hing Street) are currently being occupied by government departments and non-governmental organizations, whether the Government will review the arrangement concerned, so as to vacate such buildings for other revitalization and conservation purposes; and*
- (e) *whether large-scale projects will be introduced for greening and enhancing environmental hygiene at the aforesaid three market towns?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my reply to the five parts of the question is as follows:

- (a) According to the data compiled by the Planning Department (PlanD) on the basis of the 2006 Population By-census of the Census and Statistics Department (C&SD), the current population sizes of Tai Po Hui, Luen Wo Hui and Shek Wu Hui are about 14 000, 4 200 and

8 000 respectively. There has not been any significant change in the population size of these market towns in the past five years. Since there is currently no information indicating major development or redevelopment projects in these market towns, it is anticipated that their population sizes will not increase significantly in the next five years and will be around 17 500, 4 600 and 8 600 respectively.

The PlanD and C&SD do not have any information concerning the population structure of Shek Wu Hui in Sheung Shui, Luen Wo Hui in Fanling and Tai Po Hui for the past and the next five years. However, the tables showing the distribution of population residing in the North District Council Luen Wo Hui and Shek Wu Hui Constituency Areas, as well as the Tai Po District Council Tai Po Hui Constituency Area by age and gender on the basis of the results of the 2006 Population By-census and 2011 Population Census are at Annex.

- (b) There are 660, 760 and 1 030 parking spaces open to the public in Shek Wu Hui in Sheung Shui, Luen Wo Hui in Fanling and Tai Po Kau Hui respectively. It is expected that the public housing estate development at Po Heung Street will, on completion, provide about 100 parking spaces for Tai Po Kau Hui and the neighbouring areas and about 50 of these parking spaces will be open to the public. The Transport Department (TD) considers that, in overall terms, there are sufficient parking spaces in the abovementioned areas. The Government has no plan to construct car parks in these areas.

The TD keeps in view the demand and supply situation of parking spaces in various districts and would provide additional on-street parking spaces where necessary with due regard for smooth traffic flow, road safety and other road users. It also maintains close liaison with the relevant departments to provide additional parking spaces by arranging grant of sites suitable for use as temporary car parks through the Lands Department (LandsD). Developers are also required to provide sufficient parking spaces to meet the demand arising from their development projects in compliance with the Hong Kong Planning Standards and Guidelines.

The TD will continue to monitor and review the supply and demand situation of parking spaces at the abovementioned areas and, where appropriate, take suitable measures to meet the public's demand for parking spaces.

- (c) At present, the Luen Wo Market of Luen Wo Hui in Fanling is managed by the LandsD. In line with a more flexible approach in the use of land resources, the vacant lot is open to short-term lease application by any non-profit-making local organization that has a suitable land use proposal which can stimulate the local economy. Interested applicants may submit their applications to the District Lands Office concerned. It is understood that a local organization has already applied to the North District Lands Office to lease the lot for a short-term period for district community use. As for the long-term development of the site, given that the Luen Wo Market is a Grade 3 historic building, the Government will, from a heritage conservation perspective, conduct a detailed study on how to revitalize the historic building.
- (d) In general, the Development Bureau only considers revitalizing those Government-owned historic buildings that are vacant or without planned uses.

The ODon, which is a declared monument, is currently leased to the Scout Association of Hong Kong for use as its New Territories East Region Headquarters. As the Home Affairs Bureau supported extension of the lease in the regular review conducted last year, at present the Government has no plan to change the existing use of the premises. We will conduct regular reviews to decide whether the premises should continue to be leased to the Scout Association of Hong Kong. Therefore, there is currently no need for the Administration to formulate other revitalization options for the ODon. If and when future reviews conclude that the existing uses of the ODon should be changed, the Administration will consider the uses of the building from the heritage conservation perspective.

As regards the former library building at Fu Hing Street, it is not on the Antiquities Advisory Board's list of 1 444 historic buildings and new items. At present, it serves as the office of the Slaughterhouse (Veterinary) Section of the Food and Environmental Hygiene Department (FEHD). The FEHD is planning to relocate the said office elsewhere, and the relocation will be completed shortly. After the relocation project has been implemented, the Administration will consider the suitable uses of the building.

- (e) On green initiative, the Civil Engineering and Development Department (CEDD) is conducting a study for developing Greening Master Plans (GMPs) for the New Territories. In view of the extensive area of the New Territories, the study will mainly focus on core town centres, tourist attraction locations and major transportation routes. Shek Wu Hui in Sheung Shui, Luen Wo Hui in Fanling and Tai Po Hui are already included as the focus areas of the GMPs for the North and Tai Po Districts.

In the process of developing the GMPs, the CEDD will invite the relevant District Councils (DCs) and Rural Committees (RCs) to form District Participation Groups and join in the examination of the proposals prepared by the consultants. The CEDD will also organize community forums to collect views of the public and major stakeholders. Furthermore, the CEDD will invite members of the relevant DCs and RCs to site visits so as to ensure that the GMPs will meet public aspirations.

The CEDD anticipates that the GMPs for the North and Tai Po Districts will be developed by mid-2014. After the development of the GMPs, the CEDD will apply for funds to implement the proposed greening works therein.

On environmental hygiene, the FEHD's responsibility is to maintain a clean and hygienic environment in public places. Apart from providing street cleansing service, the FEHD will also arrange special cleansing operations as and when the actual circumstances so warrant.



## Annex

Distribution of population by age group and sex in 2006 and 2011  
in North District Council Luen Wo Hui and Shek Wu Hui Constituency Areas  
as well as Tai Po District Council Tai Po Hui Constituency Area

## North District Council Luen Wo Hui Constituency Area

| <i>Age group</i> | <i>2006<sup>(1)</sup></i> |               |                 | <i>2011<sup>(2)</sup></i> |               |                 |
|------------------|---------------------------|---------------|-----------------|---------------------------|---------------|-----------------|
|                  | <i>Population</i>         |               |                 | <i>Population</i>         |               |                 |
|                  | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> |
| 0-4              | 471                       | 444           | 915             | 410                       | 424           | 834             |
| 5-9              | 448                       | 770           | 1 218           | 445                       | 406           | 851             |
| 10-14            | 740                       | 556           | 1 296           | 621                       | 647           | 1 268           |
| 15-19            | 571                       | 454           | 1 025           | 764                       | 716           | 1 480           |
| 20-24            | 448                       | 694           | 1 142           | 566                       | 642           | 1 208           |
| 25-29            | 718                       | 969           | 1 687           | 532                       | 827           | 1 359           |
| 30-34            | 949                       | 1 147         | 2 096           | 561                       | 996           | 1 557           |
| 35-39            | 1 143                     | 1 267         | 2 410           | 709                       | 1 092         | 1 801           |
| 40-44            | 1 296                     | 1 318         | 2 614           | 988                       | 1 146         | 2 134           |
| 45-49            | 1 117                     | 958           | 2 075           | 1 245                     | 1 208         | 2 453           |
| 50-54            | 805                       | 681           | 1 486           | 1 198                     | 1 034         | 2 232           |
| 55-59            | 423                       | 410           | 833             | 600                       | 548           | 1 148           |
| 60-64            | 246                       | 384           | 630             | 500                       | 453           | 953             |
| 65-69            | 369                       | 335           | 704             | 206                       | 270           | 476             |
| 70-74            | 206                       | 256           | 462             | 258                       | 288           | 546             |
| 75-79            | 184                       | 334           | 518             | 206                       | 238           | 444             |
| 80-84            | 88                        | 50            | 138             | 121                       | 195           | 316             |
| 85+              | 49                        | 37            | 86              | 59                        | 138           | 197             |
| Total            | 10 271                    | 11 064        | 21 335          | 9 989                     | 11 268        | 21 257          |

## North District Council Shek Wu Hui Constituency Area

| <i>Age group</i> | <i>2006<sup>(1)</sup></i> |               |                 | <i>2011<sup>(2)</sup></i> |               |                 |
|------------------|---------------------------|---------------|-----------------|---------------------------|---------------|-----------------|
|                  | <i>Population</i>         |               |                 | <i>Population</i>         |               |                 |
|                  | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> |
| 0-4              | 344                       | 221           | 565             | 390                       | 352           | 742             |
| 5-9              | 445                       | 502           | 947             | 374                       | 347           | 721             |
| 10-14            | 692                       | 511           | 1 203           | 492                       | 538           | 1 030           |
| 15-19            | 556                       | 583           | 1 139           | 585                       | 577           | 1 162           |

| <i>Age group</i> | <i>2006<sup>(1)</sup></i> |               |                 | <i>2011<sup>(2)</sup></i> |               |                 |
|------------------|---------------------------|---------------|-----------------|---------------------------|---------------|-----------------|
|                  | <i>Population</i>         |               |                 | <i>Population</i>         |               |                 |
|                  | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> |
| 20-24            | 513                       | 558           | 1 071           | 502                       | 614           | 1 116           |
| 25-29            | 566                       | 702           | 1 268           | 556                       | 840           | 1 396           |
| 30-34            | 463                       | 805           | 1 268           | 620                       | 948           | 1 568           |
| 35-39            | 683                       | 968           | 1 651           | 647                       | 911           | 1 558           |
| 40-44            | 778                       | 997           | 1 775           | 728                       | 935           | 1 663           |
| 45-49            | 814                       | 603           | 1 417           | 819                       | 984           | 1 803           |
| 50-54            | 544                       | 500           | 1 044           | 791                       | 949           | 1 740           |
| 55-59            | 385                       | 586           | 971             | 750                       | 656           | 1 406           |
| 60-64            | 264                       | 121           | 385             | 489                       | 474           | 963             |
| 65-69            | 180                       | 142           | 322             | 332                       | 240           | 572             |
| 70-74            | 110                       | 299           | 409             | 259                       | 299           | 558             |
| 75-79            | 200                       | 164           | 364             | 214                       | 285           | 499             |
| 80-84            | 87                        | 101           | 188             | 180                       | 268           | 448             |
| 85+              | 26                        | 112           | 138             | 128                       | 215           | 343             |
| Total            | 7 650                     | 8 475         | 16 125          | 8 856                     | 10 432        | 19 288          |

## Tai Po District Council Tai Po Hui Constituency Area

| <i>Age group</i> | <i>2006<sup>(1)</sup></i> |               |                 | <i>2011<sup>(2)</sup></i> |               |                 |
|------------------|---------------------------|---------------|-----------------|---------------------------|---------------|-----------------|
|                  | <i>Population</i>         |               |                 | <i>Population</i>         |               |                 |
|                  | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> | <i>Male</i>               | <i>Female</i> | <i>Subtotal</i> |
| 0-4              | 185                       | 155           | 340             | 301                       | 255           | 556             |
| 5-9              | 300                       | 166           | 466             | 288                       | 260           | 548             |
| 10-14            | 347                       | 305           | 652             | 321                       | 318           | 639             |
| 15-19            | 458                       | 475           | 933             | 435                       | 384           | 819             |
| 20-24            | 418                       | 437           | 855             | 354                       | 463           | 817             |
| 25-29            | 488                       | 531           | 1 019           | 440                       | 695           | 1 135           |
| 30-34            | 343                       | 427           | 770             | 439                       | 713           | 1 152           |
| 35-39            | 501                       | 479           | 980             | 431                       | 703           | 1 134           |
| 40-44            | 725                       | 605           | 1 330           | 559                       | 593           | 1 152           |
| 45-49            | 766                       | 705           | 1 471           | 703                       | 650           | 1 353           |
| 50-54            | 621                       | 539           | 1 160           | 752                       | 525           | 1 277           |
| 55-59            | 354                       | 382           | 736             | 642                       | 551           | 1 193           |
| 60-64            | 213                       | 300           | 513             | 328                       | 532           | 860             |
| 65-69            | 308                       | 211           | 519             | 248                       | 369           | 617             |
| 70-74            | 379                       | 418           | 797             | 320                       | 359           | 679             |

| Age group | 2006 <sup>(1)</sup> |        |          | 2011 <sup>(2)</sup> |        |          |
|-----------|---------------------|--------|----------|---------------------|--------|----------|
|           | Population          |        |          | Population          |        |          |
|           | Male                | Female | Subtotal | Male                | Female | Subtotal |
| 75-79     | 290                 | 226    | 516      | 336                 | 436    | 772      |
| 80-84     | 191                 | 301    | 492      | 243                 | 442    | 685      |
| 85+       | 189                 | 333    | 522      | 302                 | 612    | 914      |
| Total     | 7 076               | 6 995  | 14 071   | 7 442               | 8 860  | 16 302   |

Notes:

- (1) The figures of the 2006 Population By-census are compiled based on the set of Constituency Area boundaries for the District Council Election held in 2003.
- (2) The figures of the 2011 Population Census are compiled based on the set of Constituency Area boundaries for the District Council Election held in 2011.

Source: 2006 Population By-census and 2011 Population Census  
Census and Statistics Department

### **Increase in MTR Fares**

12. **MR WONG SING-CHI** (in Chinese): *President, the MTR Corporation Limited (MTRCL) increased MTR fares in 2010, 2011 and 2012 respectively. After each fare adjustment, there were situations in which the Single Journey fares for quite a number of fare combinations were lower than their corresponding Octopus fares (fare situations). According to the reply given by the Secretary for Housing and Transport to a question asked by a Member of this Council on 9 June 2010, in fare adjustments, the MTRCL applied the principles that "adjustments to Octopus fares are rounded to the nearest 10-cents" and "adjustments to Single Journey fares are rounded to the nearest 50-cents" for the calculation of individual fares, and "some Single Journey fares, most of which are concession fares for children and the elderly, would have a substantial increase if they are to be adjusted by 50 cents. Therefore, the MTRCL has decided not to adjust these Single Journey fares now and address the issue in the next fare adjustment". Since the approach and principles of the fare adjustments in 2011 and 2012 are identical to those in 2010, 100, 30 and 596 "fare situations" emerged respectively after the fare adjustments in these three years. In this connection, will the Government inform this Council:*

- (a) *whether it knows the progress and details (for example, the number of "fare situations" handled and the time required, and so on) of the MTRCL's handling of the "fare situations" each year since 2010; the details and numbers of "fare situations" not yet handled since the fare adjustments in 2010 and 2011, and set out the information by year and railway line;*
- (b) *given that the MTRCL indicated in 2010 that the issue of "fare situations" would be addressed in the next fare adjustment, whether the authorities have discussed, reviewed and followed up the "fare situations" with the MTRCL with a view to eliminating the differences between the two types of fares; if they have, of the details and effectiveness of their efforts, and set out the information by year (since 2010) and type of efforts; if not, the reasons for that;*
- (c) *given that after the fare adjustments in 2011 and 2012, "fare situations" have deteriorated when compared with those in 2010, with the number of "fare situations" in 2012 far exceeding the numbers in 2010 and 2011 (being about five times and 20 times of the respective years), whether the authorities, as the major shareholder of the MTRCL, have assessed if the MTRCL has failed to honour its undertaking at that time as mentioned in part (b);*
- (d) *focusing on "fare situations", what solutions (for example, abolition of the fare adjustments of the journeys concerned) the authorities and the MTRCL have to solve the problem completely, and of the details of and concrete implementation timetable for each solution; and*
- (e) *whether it has assessed if the "fare situations" have defeated the original purpose of establishing the Octopus fare system; if it has, of the findings?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, since the rail merger in December 2007, fare adjustment of the MTRCL has been

subject to an objective and transparent Fare Adjustment Mechanism (FAM). The FAM, formulated after extensive discussion in the community and by the Legislative Council, has replaced the pre-merger fare autonomy of the MTRCL.

Under the current FAM, the overall fare adjustment rate for the prevailing year is determined in accordance with a direct-drive formula based on the year-on-year percentage changes in both the Composite Consumer Price Index (CCPI) and the Nominal Wage Index (Transportation Section) (Wage Index) in December of the previous year, as well as a productivity factor. As the Operating Agreement (OA) signed between the Government and the MTRCL in August 2007 is a legally binding document, the Government will adhere to the contractual spirit while the MTRCL will act in accordance with the mechanism and comply with the relevant accounting and notification requirements.

The Census and Statistics Department published the CCPI and Wage Index for December 2011 on 20 January and 26 March 2012 respectively. The computation results of the FAM indicate an overall adjustment rate of +5.4% in MTR fares for 2012. The weighted average (taking into account the patronage of individual fares) of all adjustments to individual journeys must equal to +5.4%.

According to the FAM procedures laid down in the OA, the MTRCL would calculate the individual fares and provide the Government with two certificates issued by an independent third party to certify that its fare adjustment is in compliance with the FAM.

My consolidated reply to each part of the question is as follows:

Since the adoption of the existing FAM, the MTRCL has applied the following guiding principles when calculating individual fares during fare adjustments:

- (1) Adjustments to Octopus fares are in units of 10 cents; and
- (2) Adjustments to Single Journey Ticket fares are in units of 50 cents (MTR Ticket Issuing Machines currently accept coins with value of 50 cents, one dollar, two dollars, five dollars and 10 dollars).

The MTRCL advised that, due to the differences in the units of adjustment to Octopus fares and Single Journey Ticket fares, the percentage increase of some Single Journey Ticket fares (most of which are Child or Elderly Concessionary Single Journey Tickets) would be quite high with a 50 cents adjustment when the above principles are applied in each year's calculation of the individual fares. The MTRCL considered that such increase would be too high and decided not to adjust these fares in the respective years to avoid a substantial increase on the burden of passengers. The Government noted and understood the MTRCL's decision.

For instance, the percentage increase of some Single Journey Ticket fares in the fare adjustment in 2012 would be quite high with a 50-cent adjustment: there would be a 20% increase if the Child/Elderly Concessionary Single Journey Ticket fare of \$2.5 were to be adjusted to \$3.0. The MTRCL therefore decided not to adjust Single Journey Ticket fares below \$7 this year. As a result, some Single Journey Ticket fares are slightly lower than their corresponding Octopus fares within the range of 10 cents to 40 cents. As regards the fare adjustment in 2012, all adjustments to the individual fares are within 10%.

Based on the information provided by the MTRCL, there are around 600 journeys in 2012 under which Octopus fares are slightly higher than those of Single Journey Ticket fares, representing less than 2% of a total of some 40 000 fare combinations. Therefore, passengers using Octopus will still pay a lower fare than using Single Journey Tickets for most journeys. The MTRCL has uploaded such information to its website for passengers' reference.

The details of cases where Single Journey Ticket fares are slightly lower than their corresponding Octopus fares from 2010 to 2012 are at Annex.

The Octopus system provides a simple, convenient, reliable and environmental-friendly electronic fare collection system platform for passengers. It eliminates the need for passengers to find exact change and saves time. Overall speaking, the Octopus system can enhance the efficiency of the transportation network.

Although some individual Single Journey Ticket fares are slightly lower than their corresponding Octopus fares, passengers using Octopus can enjoy more advantages and benefit from various fare promotions for Octopus users offered by the MTRCL. As MTR Ticket Issuing Machines do not accept coins with value lower than 50-cents, the percentage increase of some Single Journey Ticket fares would be very high with a 50-cent adjustment. Given the number of journeys under which Octopus fares are slightly higher than Single Journey Ticket fares represents less than 2% of the total fare combinations, the MTRCL considered that the existing practice has already balanced different views and taken into account various considerations.

While the MTRCL published the adjusted fares on 25 May, at the same time it also announced the offer of the largest package of new fare promotions ever to give back to passengers the full value of the additional revenue it would receive in the year from the 2012 fare adjustment, bringing savings of approximately \$670 million to passengers. These new fare promotions include "Ride 10 Get 1 Free" promotion, Free Child Travel on Weekends and Public Holidays, 10% discount for second journeys taken on the same day, Tung Chung - Hong Kong Monthly Pass and more interchange discounts, and so on.

The various types of concessions are effective and substantively address the requests of the public with a view to benefiting different groups of passengers. All Octopus users, whether they are frequent or infrequent users of the MTR services, taking long journeys or short ones, can benefit from one or more of the promotions.

The MTRCL will continue to offer existing fare promotions including Student Travel Scheme, Fare Concession for Children, Fare Savers and other interchange promotions, and so on. It will also continue to offer the existing fare concessions for Elderly and Persons with Disabilities on a voluntary basis. The MTRCL will work closely with the Government on the implementation of the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities so as to enable eligible people to enjoy the concessionary fare of \$2 per trip.

Details of cases where Single Journey Ticket fares are slightly lower than their corresponding Octopus fares from 2010 to 2012

There were about 100 cases of Single Journey Ticket fares slightly lower than their corresponding Octopus fares after the fare adjustment in June 2010, details are:

*Children/Elderly Concessionary fares*

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>  |  |
|----------------|------------------------------|--|--|
| \$3.1          | \$3.0                        | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong                  | Hung Hom   |
|                |                              | Mong Kok East  | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin |
| \$4.1          | \$4.0                        | Hung Hom, Mong Kok East  | Fanling, Sheung Shui, Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha     |
|                |                              | Kowloon Tong   | Fanling, Sheung Shui   |
|                |                              | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin | Tai Wai, Sha Tin   |
|                |                              | Che Kung Temple, Sha Tin Wai, City One, Shek Mun                         | Tsim Sha Tsui, East Tsim Sha Tsui  |
| \$4.6          | \$4.5                        | University   | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin |
| \$5.6          | \$5.5                        | Tin Hau, Fortress Hill   | Mong Kok East  |
|                |                              | Fanling, Sheung Shui   | Jordan   |
| \$8.1          | \$8.0                        | Mong Kok East  | Yuen Long, Long Ping, Tin Shui Wai, Siu Hong, Tuen Mun                   |
| \$8.6          | \$8.5                        | Kam Sheung Road  | Hung Hom   |



*Adult fares*

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>  |   |
|----------------|------------------------------|--|---|
| \$7.7          | \$7.5                        | Tsuen Wan West   | Jordan, Kowloon, Austin, Wong Tai Sin                                       |
| \$8.2          | \$8.0                        | Hung Hom, Mong Kok East  | Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha                              |
|                |                              | Kowloon, Austin  | Tai Wai, Sha Tin  |
| \$8.6          | \$8.5                        | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin | Fo Tan  |
|                |                              | Tai Po Market, Tai Wo  | Prince Edward, Sham Shui Po, Shek Kip Mei, Lok Fu, Wong Tai Sin, Nam Cheong |
| \$9.1          | \$9.0                        | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin | University  |
| \$11.6         | \$11.5                       | Mei Foo  | Kam Sheung Road   |

There were about 30 cases of Single Journey Ticket fares slightly lower than their corresponding Octopus fares after the fare adjustment in June 2011, details are:

*Children/Elderly Concessionary fares*

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>  |  |
|----------------|------------------------------|------------------|--|
| \$2.6          | \$2.5                        | Jordan           | Mong Kok East  |
|                |                              | Tai Wai, Sha Tin | Mong Kok East, Hung Hom, Kowloon Tong, Tai Po Market, Tai Wo |
|                |                              | Fo Tan           | Tai Po Market, Tai Wo  |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>   |  |
|----------------|------------------------------|---|--|
| \$3.1          | \$3.0                        | University  | Kowloon Tong, Hung Hom, Mong Kok East                                    |
|                |                              | Fo Tan  | Hung Hom   |
|                |                              | Racecourse  | Tai Wai, Sha Tin   |
| \$3.2          | \$3.0                        | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong | Hung Hom   |
|                |                              | Mong Kok East   | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Kowloon, Austin |

There are 596 cases of Single Journey Ticket fares slightly lower than their corresponding Octopus fares after the fare adjustment in June 2012, details are:

*Children/Elderly Concessionary fares*

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>  |  |
|----------------|------------------------------|------------------|--|
| \$2.6          | \$2.5                        | University       | Fanling, Sheung Shui   |
| \$2.7          | \$2.5                        | Jordan           | Mong Kok East  |
|                |                              | Tai Wai, Sha Tin | Mong Kok East, Hung Hom, Kowloon Tong, Tai Po Market, Tai Wo       |
|                |                              | Fo Tan           | Tai Po Market, Tai Wo  |
| \$3.1          | \$3.0                        | Fo Tan           | Kowloon Tong, Mong Kok East  |
| \$3.2          | \$3.0                        | North Point      | Sheung Wan, Central, Hong Kong, Admiralty, Heng Fa Chuen, Chai Wan |
|                |                              | Quarry Bay       | Sheung Wan, Central, Hong Kong, Admiralty, Wan Chai, Chai Wan      |
|                |                              | Tai Koo          | Central, Hong Kong, Admiralty, Wan Chai, Causeway Bay              |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i> |  |
|----------------|------------------------------|-----------------|--|
|                |                              | Fortress Hill   | Sheung Wan, Shau Kei Wan, Heng Fa Chuen, Chai Wan                                    |
|                |                              | Tin Hau         | Shau Kei Wan   |
|                |                              | Sai Wan Ho      | Causeway Bay, Tin Hau  |
|                |                              | Shek Kip Mei    | Tsim Sha Tsui, East Tsim Sha Tsui  |
|                |                              | Kowloon Tong    | Kowloon, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan                           |
|                |                              | Lok Fu          | Kowloon, Austin, Lai Chi Kok, Jordan, Yau Ma Tei                                     |
|                |                              | Wong Tai Sin    | Olympic, Mong Kok, Cheung Sha Wan, Lai Chi Kok, Yau Ma Tei                           |
|                |                              | Diamond Hill    | Olympic, Nam Cheong, Mong Kok, Cheung Sha Wan, Sham Shui Po, Prince Edward, Yau Tong |
|                |                              | Choi Hung       | Nam Cheong, Sham Shui Po, Prince Edward, Shek Kip Mei, Yau Tong, Tiu Keng Leng       |
|                |                              | Kowloon Bay     | Shek Kip Mei, Kowloon Tong, Tiu Keng Leng, Tseung Kwan O                             |
|                |                              | Ngau Tau Kok    | Kowloon Tong, Lok Fu, Tseung Kwan O, Hang Hau  |
| \$3.2          | \$3.0                        | Kwun Tong       | Kowloon Tong, Lok Fu, Wong Tai Sin, Hang Hau, Po Lam, LOHAS Park                     |
|                |                              | Lam Tin         | Lok Fu, Wong Tai Sin, Diamond Hill, Po Lam, LOHAS Park                               |
|                |                              | Mei Foo         | Tsuen Wan, Olympic, Yau Ma Tei, Mong Kok, Kowloon Tong, Lok Fu                       |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>                             |  |
|----------------|------------------------------|---|--|
|                |                              | Lai King                                    | Olympic, Mong Kok, Prince Edward, Shek Kip Mei, Kowloon Tong                                     |
|                |                              | Kwai Fong                                   | Nam Cheong, Prince Edward, Shek Kip Mei  |
|                |                              | Sham Shui Po                                | Kwai Fong, Kwai Hing, Tsing Yi, Tsim Sha Tsui, East Tsim Sha Tsui                                |
|                |                              | Cheung Sha Wan                              | Kwai Hing, Tai Wo Hau, Tsing Yi, Kowloon, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan      |
|                |                              | Lai Chi Kok                                 | Tai Wo Hau, Tsuen Wan, Kowloon, Austin, Yau Ma Tei, Jordan                                       |
|                |                              | Nam Cheong                                  | Kwai Hing, Tsing Yi  |
|                |                              | Sunny Bay                                   | Disneyland Resort  |
|                |                              | Hung Hom                                    | Kowloon, Austin  |
|                |                              | Tai Wai, Sha Tin, Fo Tan                    | Fanling, Sheung Shui, Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha                             |
|                |                              | Racecourse                                  | Fo Tan, University   |
|                |                              | University                                  | Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha   |
|                |                              | Tai Po Market, Tai Wo, Fanling, Sheung Shui | Che Kung Temple, Sha Tin Wai, City One, Shek Mun, Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha |
| \$3.3          | \$3.0                        | University                                  | Kowloon Tong, Hung Hom, Mong Kok East  |
|                |                              | Fo Tan                                      | Hung Hom   |
|                |                              | Racecourse                                  | Tai Wai, Sha Tin   |
| \$3.4          | \$3.0                        | Hung Hom                                    | Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong  |
|                |                              | Mong Kok East                               | Kowloon, Austin, Mei Foo, Lai King, Kowloon Bay, Ngau Tau Kok, Kwun Tong                         |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>         |  |
|----------------|------------------------------|-------------------------|--|
| \$3.6          | \$3.5                        | Nam Cheong              | Tsuen Wan West   |
| \$4.1          | \$4.0                        | Tai Wai, Sha Tin        | Jordan, Tsim Sha Tsui, East Tsim Sha Tsui  |
|                |                              | Tsuen Wan West          | Olympic, Yau Ma Tei, Mong Kok, Kowloon Tong, Lok Fu  |
| \$4.2          | \$4.0                        | Hung Hom, Mong Kok East | Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park  |
|                |                              | Tsuen Wan West          | Kowloon, Austin, Jordan, Wong Tai Sin  |
| \$4.8          | \$4.5                        | Hung Hom                | Tsuen Wan West   |
|                |                              | Tai Wai, Sha Tin        | Kwai Fong, Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsuen Wan West, Tsing Yi, Lam Tin, Yau Tong, Tiu Keng Leng  |
|                |                              | Fo Tan                  | Mei Foo, Lai King, Kowloon, Austin, Kowloon Bay, Ngau Tau Kok, Kwun Tong   |
|                |                              | Racecourse              | Fanling, Sheung Shui   |
| \$5.1          | \$5.0                        | Tai Wai, Sha Tin        | Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park  |
|                |                              | Fo Tan                  | Tsuen Wan West   |
| \$5.2          | \$5.0                        | Hung Hom                | Causeway Bay   |
|                |                              | Mong Kok East           | Sheung Wan, Central, Hong Kong, Admiralty, Wan Chai, Causeway Bay  |
|                |                              | Tai Po Market, Tai Wo   | Olympic, Nam Cheong, Yau Ma Tei, Mong Kok, Lai Chi Kok, Cheung Sha Wan, Sham Shui Po, Prince Edward, Shek Kip Mei, Lok Fu, Wong Tai Sin, Diamond Hill, Choi Hung |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>                           |  |
|----------------|------------------------------|---|--|
| \$5.3          | \$5.0                        | Sheung Wan, Hong Kong, Central, Admiralty | Olympic, Nam Cheong, Yau Ma Tei, Mong Kok, Cheung Sha Wan, Sham Shui Po, Prince Edward, Shek Kip Mei, Kowloon Tong   |
|                |                              | Wan Chai                                  | Olympic, Nam Cheong, Yau Ma Tei, Mong Kok, Cheung Sha Wan, Sham Shui Po, Prince Edward, Shek Kip Mei, Kowloon Tong, Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong   |
|                |                              | Causeway Bay                              | Kowloon, Olympic, Nam Cheong, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Mong Kok, Cheung Sha Wan, Sham Shui Po, Prince Edward, Shek Kip Mei, Kowloon Tong, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong, Tiu Keng Leng |
|                |                              | Tin Hau                                   | Kowloon, Olympic, Nam Cheong, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Mong Kok, Sham Shui Po, Prince Edward, Shek Kip Mei, Choi Hung, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong, Tiu Keng Leng, Tseung Kwan O     |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i> |   |
|----------------|------------------------------|-----------------|---|
| \$5.3          | \$5.0                        | Fortress Hill   | Kowloon, Olympic, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Mong Kok, Prince Edward, Diamond Hill, Choi Hung, Kowloon Bay, Tiu Keng Leng, Tseung Kwan O, Hang Hau                    |
|                |                              | North Point     | Kowloon, Olympic, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Mong Kok, Wong Tai Sin, Diamond Hill, Choi Hung, Kowloon Bay, Tiu Keng Leng, Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park |
|                |                              | Quarry Bay      | Kowloon, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Wong Tai Sin, Diamond Hill, Choi Hung, Kowloon Bay, Tiu Keng Leng, Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park                    |
|                |                              | Tai Koo         | Wong Tai Sin, Diamond Hill, Choi Hung, Kowloon Bay, Tiu Keng Leng, Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park  |
|                |                              | Sai Wan Ho      | Diamond Hill, Choi Hung, Kowloon Bay, Tiu Keng Leng, Tseung Kwan O, Hang Hau  |
|                |                              | Shau Kei Wan    | Choi Hung, Kowloon Bay, Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong, Tiu Keng Leng, Tseung Kwan O  |

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>                   |   |
|----------------|------------------------------|-----------------------------------|---|
|                |                              | Heng Fa Chuen                     | Kowloon Bay, Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong, Tiu Keng Leng  |
|                |                              | Chai Wan                          | Ngau Tau Kok, Kwun Tong, Lam Tin, Yau Tong  |
|                |                              | Yau Tong                          | Tsuen Wan   |
|                |                              | Tiu Keng Leng                     | Tai Wo Hau, Tsuen Wan   |
|                |                              | Tseung Kwan O                     | Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsing Yi  |
|                |                              | Hang Hau                          | Kwai Fong, Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsing Yi   |
|                |                              | Po Lam, LOHAS Park                | Lai King, Kwai Fong, Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsing Yi   |
|                |                              | Sunny Bay                         | Sham Shui Po, Cheung Sha Wan, Lai Chi Kok, Mei Foo, Nam Cheong, Lai King, Kwai Fong, Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsing Yi |
|                |                              | University                        | Tsuen Wan West  |
|                |                              | Tai Po Market, Tai Wo             | Tsim Sha Tsui, East Tsim Sha Tsui   |
| \$5.6          | \$5.5                        | University                        | Tseung Kwan O, Hang Hau, Po Lam, LOHAS Park   |
| \$5.7          | \$5.5                        | Tsim Sha Tsui, East Tsim Sha Tsui | Tai Shui Hang, Heng On, Ma On Shan, Wu Kai Sha  |
| \$5.8          | \$5.5                        | Hung Hom                          | Tin Hau, Fortress Hill  |
| \$6.1          | \$6.0                        | Fanling, Sheung Shui              | Mei Foo, Lai King, Kowloon, Austin, Kowloon Bay, Ngau Tau Kok, Kwun Tong  |
|                |                              | Mong Kok East                     | North Point, Quarry Bay   |
|                |                              | Hung Hom                          | Racecourse  |
|                |                              | Mei Foo                           | Kam Sheung Road   |



| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i>         |  |
|----------------|------------------------------|-------------------------|--|
| \$6.2          | \$6.0                        | Sunny Bay               | Kowloon, Olympic, Austin, East Tsim Sha Tsui, Tsim Sha Tsui, Jordan, Yau Ma Tei, Mong Kok, Prince Edward, Shek Kip Mei, Kowloon Tong, Lok Fu, Wong Tai Sin, Diamond Hill |
|                |                              | Tung Chung              | Sham Shui Po, Cheung Sha Wan, Lai Chi Kok, Mei Foo, Nam Cheong, Lai King, Kwai Fong, Kwai Hing, Tai Wo Hau, Tsuen Wan, Tsing Yi, Disneyland Resort                       |
|                |                              | Tsing Yi                | Disneyland Resort  |
| \$6.3          | \$6.0                        | Hung Hom, Mong Kok East | Tai Koo, Sai Wan Ho, Shau Kei Wan, Heng Fa Chuen, Chai Wan   |
| \$6.7          | \$6.5                        | Mei Foo                 | Yuen Long, Long Ping, Tin Shui Wai, Siu Hong, Tuen Mun   |
|                |                              | Nam Cheong              | Kam Sheung Road  |
| \$6.8          | \$6.5                        | Tai Wai, Sha Tin        | Sheung Wan, Central, Hong Kong, Admiralty, Wan Chai, Causeway Bay  |
| \$6.9          | \$6.5                        | Racecourse              | Tsim Sha Tsui, East Tsim Sha Tsui  |

*Adult fares*

| <i>Octopus</i> | <i>Single Journey Ticket</i> | <i>Stations</i> |                           |
|----------------|------------------------------|-----------------|---------------------------|
| \$5.1          | \$5.0                        | Long Ping       | Kam Sheung Road, Tuen Mun |

### Auction of Vacant Market Stalls

13. **MR JAMES TO** (in Chinese): *President, it has been learnt that the let-out rates of some facilities of the Government, such as public markets and cooked food centres (CFCs), and so on, have remained low for a long time. Starting from March 2009, the Food and Environmental Hygiene Department (FEHD) has put up long-standing vacant stalls in public markets for open auction at reduced upset prices (hereinafter referred as "auction of long-standing vacant stalls at concessionary prices") with a view to attracting commercial tenants to rent such stalls. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of public markets, built-in CFCs of public markets, cooked food markets (CFMs), temporary markets and other markets (for example, jade markets, flower markets and kiosks, and so on) of the Government in each of the 18 District Council districts (18 districts) at present, and list the breakdown according to the table below;*

|                  | Districts           | Public markets | Built-in CFCs of public markets | CFMs | Temporary markets | Other markets |
|------------------|---------------------|----------------|---------------------------------|------|-------------------|---------------|
| Hong Kong Island | Central and Western |                |                                 |      |                   |               |
|                  | Wan Chai            |                |                                 |      |                   |               |
|                  | Eastern             |                |                                 |      |                   |               |
|                  | Southern            |                |                                 |      |                   |               |
| Kowloon          | Yau Tsim Mong       |                |                                 |      |                   |               |
|                  | Sham Shui Po        |                |                                 |      |                   |               |
|                  | Kowloon City        |                |                                 |      |                   |               |
|                  | Wong Tai Sin        |                |                                 |      |                   |               |
|                  | Kwun Tong           |                |                                 |      |                   |               |
| New Territories  | Sha Tin             |                |                                 |      |                   |               |
|                  | Tai Po              |                |                                 |      |                   |               |
|                  | North               |                |                                 |      |                   |               |
|                  | Sai Kung            |                |                                 |      |                   |               |
|                  | Yuen Long           |                |                                 |      |                   |               |
|                  | Kwai Tsing          |                |                                 |      |                   |               |
|                  | Tuen Mun            |                |                                 |      |                   |               |
|                  | Tsuen Wan Islands   |                |                                 |      |                   |               |

- (b) of the respective numbers of vacant stalls in each of the 18 districts at present, and the percentages of such numbers in the total numbers of stalls in such districts, and list the breakdown by public markets, built-in CFCs of public markets, CFMs, temporary markets and other markets in the table below;

| <i>Number and percentage of vacant stalls</i> |                            |                       |  |             |                          |                      |
|---|----------------------------|-----------------------|--|-------------|--------------------------|----------------------|
|   | <i>Districts</i>           | <i>Public markets</i> | <i>Built-in CFCs of public markets</i> | <i>CFMs</i> | <i>Temporary markets</i> | <i>Other markets</i> |
| <i>Hong Kong Island</i>                       | <i>Central and Western</i> |                       |  |             |                          |                      |
|   | <i>Wan Chai</i>            |                       |  |             |                          |                      |
|   | <i>Eastern</i>             |                       |  |             |                          |                      |
|   | <i>Southern</i>            |                       |  |             |                          |                      |
| <i>Kowloon</i>                                | <i>Yau Tsim Mong</i>       |                       |  |             |                          |                      |
|   | <i>Sham Shui Po</i>        |                       |  |             |                          |                      |
|   | <i>Kowloon City</i>        |                       |  |             |                          |                      |
|   | <i>Wong Tai Sin</i>        |                       |  |             |                          |                      |
|   | <i>Kwun Tong</i>           |                       |  |             |                          |                      |
| <i>New Territories</i>                        | <i>Sha Tin</i>             |                       |  |             |                          |                      |
|   | <i>Tai Po</i>              |                       |  |             |                          |                      |
|   | <i>North</i>               |                       |  |             |                          |                      |
|   | <i>Sai Kung</i>            |                       |  |             |                          |                      |
|   | <i>Yuen Long</i>           |                       |  |             |                          |                      |
|   | <i>Kwai Tsing</i>          |                       |  |             |                          |                      |
|   | <i>Tuen Mun</i>            |                       |  |             |                          |                      |
|   | <i>Tsuen Wan</i>           |                       |  |             |                          |                      |
|   | <i>Islands</i>             |                       |  |             |                          |                      |

- (c) of the respective numbers of public markets, built-in CFCs of public markets, CFMs, temporary markets and other markets in each of the 18 districts which have been closed down totally, or some floors of which have been closed down, due to the large number of vacant stalls; for how long such markets or floors of the markets have been



|                 | Districts     | Public markets               |                                | Built-in CFCs of public markets |                                | CFMs                         |                                | Temporary markets            |                                | Other markets                |                                |
|-----------------|---------------|------------------------------|--------------------------------|---------------------------------|--------------------------------|------------------------------|--------------------------------|------------------------------|--------------------------------|------------------------------|--------------------------------|
|                 |               | Number of stalls for auction | Number and % of stalls let out | Number of stalls for auction    | Number and % of stalls let out | Number of stalls for auction | Number and % of stalls let out | Number of stalls for auction | Number and % of stalls let out | Number of stalls for auction | Number and % of stalls let out |
| Kowloon         | Yau Tsim Mong |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Sham Shui Po  |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Kowloon City  |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Wong Tai Sin  |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Kwun Tong     |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 |               |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
| New Territories | Sha Tin       |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Tai Po        |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | North         |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Sai Kung      |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Yuen Long     |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Kwai Tsing    |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Tuen Mun      |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Tsuen Wan     |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |
|                 | Islands       |                              |                                |                                 |                                |                              |                                |                              |                                |                              |                                |

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the FEHD is committed to formulating and implementing various measures to enhance the business environment and competitiveness of the markets under its management. Measures taken over the years include the arrangement introduced in February 2009 to boost the occupancy rate of markets, under which the upset auction prices for stalls left vacant for six months and eight months or more have been lowered to 80% and 60% of the open market rental respectively. As at the end of April this year, more than 2 000 stalls were let out through this arrangement. The FEHD has also taken the following measures to improve the occupancy rate of markets:

- (i) merging small stalls into larger ones;

- (ii) introducing light refreshment, bakery and service trade stalls;
- (iii) letting out long-standing vacant stalls and stalls in poor locations for storage purposes;
- (iv) letting out long-standing vacant stalls through short-term tenancy;
- (v) changing the use of vacant stalls or approving tenants' applications for changing the type of commodities permitted to be sold at the stalls;
- (vi) carrying out regular maintenance and improvement works in public markets. The scope of works includes improvement to the drainage, ventilation, lighting and fire services installations, refurbishment of the wall, ceiling and floor tiles, and provision of barrier free access, and so on; and
- (vii) organizing promotional activities in public markets, including festive celebration activities, cooking demonstrations, shopping reward activities, thematic exhibitions and workshops on diet and healthcare, publication of multi-language recipes and quarterly newsletters, and so on.

Currently, the overall occupancy rate of the FEHD's public market stalls stands at 88%.

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

- (a) The respective numbers of public markets, CFCs attached to public markets, CFMs, temporary markets and other markets that are under the FEHD's management in each district are set out in Annex 1.
- (b) The respective statistics showing the number of vacant stalls in public markets, CFCs attached to public markets, CFMs, temporary markets and other markets in each district are given in Annex 2.

- (c) Annex 3 gives the details of public markets, CFCs attached to public markets, CFMs, temporary markets and other markets which, in the past few years, have been closed down either wholly or in part (with some floors vacated) due to the large number of vacant stalls.
- (d) The Government is considering, in accordance with the established procedures, the alternative uses that these vacant floors/buildings/sites may be put to.
- (e) Since the FEHD promulgated in March 2009 the scheme to put up long-standing vacant stalls for auction at concessionary upset prices, a total of 2 333 market stalls were put up for open auction under this arrangement and 2 091 of them were successfully let out as at the end of April this year. The overall let out rate reaches 90%. The detailed statistics for various districts are given in Annex 4.

## Annex 1

Numbers of public markets, CFCs attached to public markets, CFMs, temporary markets and other markets under the FEHD in various districts

|                  | <i>Districts</i>    | <i>Public markets</i> | <i>CFCs attached to public markets</i> | <i>CFMs</i> | <i>Temporary markets</i> | <i>Other markets</i> |
|------------------|---------------------|-----------------------|--|-------------|--------------------------|----------------------|
| Hong Kong Island | Central and Western | 6                     | 4                                      | 1           | -                        | -                    |
|                  | Wan Chai            | 5                     | 3                                      | -           | -                        | -                    |
|                  | Eastern             | 10                    | 7                                      | 1           | -                        | -                    |
|                  | Southern            | 5                     | 4                                      | 1           | -                        | -                    |
| Kowloon          | Yau Tsim Mong       | 4                     | 3                                      | 1           | 1                        | 1                    |
|                  | Sham Shui Po        | 3                     | 2                                      | 1           | 1                        | -                    |
|                  | Kowloon City        | 4                     | 3                                      | -           | -                        | -                    |
|                  | Wong Tai Sin        | 4                     | 3                                      | -           | -                        | -                    |
|                  | Kwun Tong           | 4                     | 2                                      | 4           | -                        | -                    |

|                 | <i>Districts</i> | <i>Public markets</i> | <i>CFCs attached to public markets</i> | <i>CFMs</i> | <i>Temporary markets</i> | <i>Other markets</i> |
|-----------------|------------------|-----------------------|--|-------------|--------------------------|----------------------|
| New Territories | Sha Tin          | 2                     | -                                      | 2           | -                        | -                    |
|                 | Tai Po           | 2                     | 1                                      | -           | -                        | -                    |
|                 | North            | 4                     | 4                                      | -           | -                        | -                    |
|                 | Sai Kung         | 2                     | -                                      | -           | -                        | -                    |
|                 | Yuen Long        | 4                     | 1                                      | 3           | 1                        | -                    |
|                 | Kwai Tsing       | 3                     | -                                      | 5           | -                        | -                    |
|                 | Tuen Mun         | 3                     | -                                      | 3           | -                        | -                    |
|                 | Tsuen Wan        | 4                     | 2                                      | 1           | 1                        | -                    |
|                 | Islands          | 4                     | -                                      | 2           | -                        | -                    |
|                 | <b>Total</b>     | <b>73</b>             | <b>39</b>                              | <b>25</b>   | <b>4</b>                 | <b>1</b>             |

Note:

The market shown under the column "Other markets" above is Yuen Po Street Bird Garden.

## Annex 2

### Statistics on vacant stalls in various districts

| <i>Number and percentage of vacant stalls</i> |                     |                       |  |             |                          |                      |
|---|---------------------|-----------------------|--|-------------|--------------------------|----------------------|
|   | <i>Districts</i>    | <i>Public markets</i> | <i>CFCs attached to public markets</i> | <i>CFMs</i> | <i>Temporary markets</i> | <i>Other markets</i> |
| Hong Kong Island                              | Central and Western | 103(14%)              | 1(2%)                                  | 4(31%)      | -                        | -                    |
|   | Wan Chai            | 30(5%)                | 0                                      | -           | -                        | -                    |
|   | Eastern             | 179(13%)              | 2(3%)                                  | 0           | -                        | -                    |
|   | Southern            | 34(5%)                | 11(31%)                                | 1(4%)       | -                        | -                    |
| Kowloon                                       | Yau Tsim Mong       | 31(5%)                | 3(7%)                                  | 0           | 30(34%)                  | 1(1%)                |
|   | Sham Shui Po        | 68(10%)               | 2(5%)                                  | 16(57%)     | 175(49%)                 | -                    |
|   | Kowloon City        | 38(4%)                | 2(6%)                                  | -           | -                        | -                    |
|   | Wong Tai Sin        | 67(7%)                | 3(7%)                                  | -           | -                        | -                    |
|   | Kwun Tong           | 113(14%)              | 1(3%)                                  | 7(6%)       | -                        | -                    |



| <i>Number and percentage of vacant stalls</i> |            |                       |  |             |                          |                      |
|---|------------|-----------------------|--|-------------|--------------------------|----------------------|
| <i>Districts</i>                              |            | <i>Public markets</i> | <i>CFCs attached to public markets</i> | <i>CFMs</i> | <i>Temporary markets</i> | <i>Other markets</i> |
| New Territories                               | Sha Tin    | 15(4%)                | -                                      | 0           | -                        | -                    |
|   | Tai Po     | 12(2%)                | 2(5%)                                  | -           | -                        | -                    |
|   | North      | 40(5%)                | 2(3%)                                  | -           | -                        | -                    |
|   | Sai Kung   | 15(6%)                | -                                      | -           | -                        | -                    |
|   | Yuen Long  | 263(30%)              | 0                                      | 0           | 126(59%)                 | -                    |
|   | Kwai Tsing | 61(15%)               | -                                      | 8(10%)      | -                        | -                    |
|   | Tuen Mun   | 8(2%)                 | -                                      | 6(12%)      | -                        | -                    |
|   | Tsuen Wan  | 205(18%)              | 4(8%)                                  | 1(3%)       | 3(12%)                   | -                    |
|   | Islands    | 14(4%)                | -                                      | 1(3%)       | -                        | -                    |

Note:

The letting of all or most of the vacant stalls in the public markets/CFCs/CFMs/temporary markets with relatively high vacancy rate (at 30% or above) listed in the above table has been frozen for rationalization/improvement works or for meeting resiting commitment.

### Annex 3

Public markets, CFCs attached to public markets, CFMs, temporary markets and other markets which have been closed down in the past few years either wholly or in part (with some floors vacated), due to the large number of vacant stalls

| <i>Districts</i> | <i>Name of public markets, CFCs attached to public markets, CFMs, temporary markets and other markets</i> | <i>With some floors closed down (specify the floors and the number of stalls involved)/closed down wholly (specify the number of stalls involved)</i> | <i>Date of closing down</i> | <i>Whether their uses have been changed (if so, specify the uses and when the facilities were reopened after change of uses); and the latest situation</i> |
|------------------|---|---|-----------------------------|--|
| Hong Kong Island | Tang Lung Chau Market   | The two-storey market was consolidated into a single-storey one through re-grouping of stalls, and the number of stalls was reduced by 18 in total.   | 1 June 2010                 | The FEHD is examining what alternative uses the vacant floor may be put to.  |

| <i>Districts</i> | <i>Name of public markets, CFCs attached to public markets, CFMs, temporary markets and other markets</i> | <i>With some floors closed down (specify the floors and the number of stalls involved)/closed down wholly (specify the number of stalls involved)</i> | <i>Date of closing down</i> | <i>Whether their uses have been changed (if so, specify the uses and when the facilities were reopened after change of uses); and the latest situation</i> |
|------------------|---|---|-----------------------------|--|
| Kowloon          | Mong Kok Market   | Closed down wholly and the number of stalls was reduced by 128 in total.  | 1 March 2010                | The ex-Mong Kok Market Site has been included in the List of Sites for Sale by Application under the Land Sale Programme for February 2012 to March 2013.  |
| New Territories  | Kwong Choi Market   | Closed down wholly and the number of stalls was reduced by 83 in total.   | 1 April 2011                | The Government is considering, in accordance with the established procedures, the alternative uses that the vacant building may be put to.                 |
|                  | Peng Chau Market  | The two-storey market was consolidated into a single-storey one through re-grouping of stalls, and the number of stalls was reduced by 23 in total.   | 1 January 2011              | The Government is considering, in accordance with the established procedures, the alternative uses that the vacant floor may be put to.                    |

## Annex 4

Statistics on the auction of long-standing vacant stalls  
at concessionary upset prices

| <i>Districts</i> |                     | <i>Public Markets</i>               |  |
|------------------|---------------------|-------------------------------------|--|
|                  |                     | <i>Number of stalls for auction</i> | <i>Number and percentage of stalls let out</i> |
| Hong Kong Island | Central and Western | 156                                 | 118(76%)                                       |
|                  | Wan Chai            | 48                                  | 44(92%)  |
|                  | Eastern             | 355                                 | 327(92%)                                       |
|                  | Southern            | 85                                  | 82(97%)  |

| <i>Districts</i> |               | <i>Public Markets</i>               |  |
|------------------|---------------|-------------------------------------|--|
|                  |               | <i>Number of stalls for auction</i> | <i>Number and percentage of stalls let out</i> |
| Kowloon          | Yau Tsim Mong | 236                                 | 227(96%)                                       |
|                  | Sham Shui Po  | 135                                 | 99(73%)  |
|                  | Kowloon City  | 197                                 | 183(93%)                                       |
|                  | Wong Tai Sin  | 222                                 | 209(94%)                                       |
|                  | Kwun Tong     | 131                                 | 121(92%)                                       |
| New Territories  | Sha Tin       | 39                                  | 38(97%)  |
|                  | Tai Po        | 64                                  | 61(95%)  |
|                  | North         | 87                                  | 56(64%)  |
|                  | Sai Kung      | 35                                  | 28(80%)  |
|                  | Yuen Long     | 130                                 | 125(96%)                                       |
|                  | Kwai Tsing    | 109                                 | 82(75%)  |
|                  | Tuen Mun      | 81                                  | 81(100%)                                       |
|                  | Tsuen Wan     | 185                                 | 180(97%)                                       |
|                  | Islands       | 38                                  | 30(79%)  |
| Total            |               | 2 333                               | 2 091(90%)                                     |

Notes:

- (1) Temporary markets are covered in the statistics on public markets.
- (2) The scheme under which long-standing vacant stalls are put up for auction at concessionary upset prices does not cover stalls in CFCs, CFMs and Yuen Po Street Bird Garden.

### **Sheltered Workshops for Persons with Disabilities**

14. **MR CHEUNG KWOK-CHE** (in Chinese): *President, sheltered workshops for persons with disabilities provide vocational training for persons with disabilities, including those with intellectual disability, in an environment specially designed to accommodate the limitations arising from their disabilities, which aims at engaging persons with disabilities in work rewarded by a training allowance so that they can learn how to adapt to the general work requirements, develop their social skills and interpersonal relationship, and get prepared for potential advancement to supported or open employment in future wherever possible. Sheltered workshops engage those persons with disabilities who have certain motivation and abilities to work to take up income-generating production process in a planned environment. Some sheltered workshops offer simple and routine jobs, and workers can get a daily pay of \$34 only and a monthly income of below \$2,000 in general. Regarding the difficulties faced by workers and operators of sheltered workshops, will the Government inform this Council:*

- (a) *given that inflation in Hong Kong is high at present and workers of sheltered workshops are not even eligible for applying for the Work Incentive Transport Subsidy (WITS) Scheme, whether the authorities will offer a new travel subsidy to such workers in order to encourage persons with disabilities to take up employment and alleviate the burden on their families; if they will, how the amount of such subsidy will be determined; if not, of the reasons for that;*
- (b) *of the details and effectiveness of the support provided by the Marketing Consultancy Office (Rehabilitation) (Office) set up by the authorities for seeking job orders for sheltered workshops, which are awarded through open tender; whether they have assessed if the Office can provide assistance to individual workshops in resolving their problem of insufficient orders completely; whether the authorities have any other support measure to enable sheltered workshops to increase their orders; if they do, of the details; if not, whether the authorities will immediately consider introducing measures to support the business operation of sheltered workshops;*
- (c) *as I have learnt that in some sheltered workshops, about one fifth of the workers are people recovering from mental illness, among the workers of sheltered workshops in Hong Kong at present, of the number of those who are people recovering from mental illness; given that some fellow social workers have relayed that those workers need professional assistance from other allied health staff, whether the authorities will enhance the manpower of allied health staff in sheltered workshops, such as nurses, occupational therapists and health workers, and so on; if they will, of the details; if not, the reasons for that;*
- (d) *as some fellow social workers have indicated that sheltered workshops are putting the cart before the horse in that they only emphasize production at present but have forgotten the aforesaid major function of providing vocational training for persons with disabilities, of the differences between the original and existing services provided by sheltered workshops in terms of direction and principle; and as some fellow social workers have also indicated that the authorities have set up sheltered workshops for years but have so far not conducted any review of their services which are*

*very outdated, whether the authorities will review the services offered by sheltered workshops; if they will, of the details; if not, the reasons for that; and*

- (e) *as some fellow social workers have pointed out the serious ageing problem of sheltered workshops, and they hope that rehabilitation services in terms of their diversity, establishment and ancillary facilities can be re-engineered, and the manpower of allied health staff, such as occupational therapists and nurses, and so on, can be enhanced, whether the authorities will re-engineer these services; if they will, of the details; if not, the reasons for that?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, the Social Welfare Department (SWD) subsidizes non-governmental organizations (NGOs) to provide sheltered workshop services to persons with disabilities who are not yet able to take up open employment because of their physical or mental limitations. The aim of these services is to provide them with suitable vocational training in a specially designed work environment, in which they can learn to adjust to normal work requirements, develop social skills and relationships and prepare for potential advancement to supported and open employment. My reply to Mr CHEUNG Kwok-che's question is as follows:

- (a) As the objectives of the WITS Scheme are to relieve the burden on travelling expenses commuting to and from work on the part of low-income households with employed members and promote sustained employment, applicants of the WITS Scheme must be currently employed or self-employed. Sheltered workshop is a vocational rehabilitation service in which there is no employment relationship between the service providers (that is, service operators) and the service users (that is, participants with disabilities). In other words, service users of sheltered workshops are neither employed nor self-employed and therefore not included in the WITS Scheme. That notwithstanding, persons with disabilities who have financial difficulties can apply to the SWD for financial assistance.
- (b) The Office established by the SWD aims to promote job and training opportunities for persons with disabilities through innovative,

effective and efficient marketing strategies and business development. Its specific roles include assisting NGOs in the setting up of social enterprises and small businesses under the "Enhancing Employment of People with Disabilities through Small Enterprise" Project<sup>(1)</sup>, promoting the products produced and services provided by persons with disabilities, and assisting vocational rehabilitation service units operated by NGOs (including sheltered workshops) in securing job orders. To this end, the Office visits vocational rehabilitation service units every year to get a fuller grasp of their operation and provide them with improvement recommendations in order to secure more job orders. According to the Office, most of the service units are able to obtain sufficient job orders and in some categories of services, such as laundry service, demand has exceeded supply. In tandem, the Government has all along been requesting bureaux and departments to encourage public bodies and government subvented organizations under their purview to take appropriate measures to promote the employment of persons with disabilities, including priority procurement of services and products provided by rehabilitation organizations which employ persons with disabilities.

- (c) According to the SWD's statistics, about half of the service users of sheltered workshops are ex-mentally ill persons who meet the eligibility criteria for receiving sheltered workshop services. For example, they have work motivation and basic self-care ability, and are mentally and emotionally stable, and so on. Social workers in the sheltered workshops will follow up the rehabilitation progress of every service user. If a social worker considers that an individual service user needs other types of rehabilitation services such as healthcare service, occupational therapy and community support service, and so on, suitable referrals will be made.

(1) Under the "Enhancing Employment of People with Disabilities through Small Enterprise" Project implemented by the SWD, seed money is granted to NGOs for the setting up of small enterprises/businesses to create employment opportunities for persons with disabilities and to provide them with genuine employment in a carefully planned and sympathetic work environment. The number of employees with disabilities in these small enterprises/businesses should not be less than 50% of the total number of employees.

(d) and (e)

As mentioned above, the service objectives of sheltered workshops are to help service users to learn to adjust to normal work requirements, develop social skills and relationships and prepare for potential advancement to supported and open employment. To this end, the SWD and organizations operating vocational rehabilitation services will, from time to time, review the mode of service operation having regard to the changing social environment to ensure that the services meet the needs of service users and society.

For instance, the SWD re-engineered the sheltered workshops and supported employment services into integrated vocational rehabilitation services centres (IVRSCs) in 2004 to provide persons with disabilities with one-stop integrated and seamless vocational rehabilitation services. The job categories have also become more diversified and include simple processing, assembly, handicraft, desktop publishing, laundry service, car-washing, office cleaning, delivery service, retail sales, leaflet distribution, and so on. Besides, in view of the ageing of service users, the SWD has put in place a number of measures since 2005, including provision of the Work Extension Programme at sheltered workshops and IVRSCs to meet the needs of ageing service users or service users with deterioration of physical functioning. These services include activities for sustaining work abilities, social and developmental programmes and caring activities for meeting the health and physical needs of trainees. Furthermore, the SWD has set up a task group at end 2011 to review the impact of ageing service users on the services (including sheltered workshop services) and make recommendations for improvement. Members of the task group include relevant stakeholders (for example, family members/carers of service users, NGOs, the medical sector, academics, and so on). The task group expects to complete the review within this year.

The SWD will continue to collaborate with the stakeholders and NGOs for continuous improvement of vocational rehabilitation services with a view to enhancing the employability of persons with disabilities and enabling them to secure open employment.

**Measures to Protect Rights of Women with Disabilities**

15. **MS EMILY LAU** (in Chinese): *President, Article 6 of the Convention on the Rights of Persons with Disabilities protects the rights of women with disabilities. In this connection, will the executive authorities inform this Council:*

- (a) whether there are women members with disabilities on the Women's Commission (WoC) to reflect their needs directly; if not, of the channels through which the WoC gains knowledge of the needs of women with disabilities; whether the WoC organized any activity last year focusing on the needs of women with disabilities;*
- (b) how they ensure that the rights of women with disabilities are protected when implementing gender mainstreaming; and*
- (c) of the specific measures in place to provide sex education for women with intellectual disabilities and those with severe mental illness so as to protect them from sexual abuse and to safeguard their reproductive rights?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my reply to the question raised by Ms Emily LAU is as follows:

- (a) Members of the WoC have diverse background, expertise and experience and they are tasked to provide advice to the Government on the advancement of women's interests and well-being. Besides, the Government has also set up the Rehabilitation Advisory Committee (RAC) as its principal advisory body on matters pertaining to the interests of persons with disabilities and the development and implementation of rehabilitation policies and services. To ensure that interests of persons with disabilities are represented, the membership of RAC includes persons with different disabilities, parents of persons with disabilities and representatives of person with disabilities self-help organizations, and so on, and some of them are female.



The WoC regularly meets with local women's groups (including concern groups on rights of women with disabilities) and related non-governmental organizations (NGOs) to exchange views on issues of concern to women in a bid to foster mutual understanding and closer partnership. The WoC also keeps abreast of the latest development of different women's issues in the regional and international arenas through its participation in regional and international conferences from time to time. In March 2010, for instance, the WoC attended the Second Regional Conference on Women with Disabilities (East Asia and Southeast Asia) held in Guangzhou to discuss with concern groups from Hong Kong and neighbouring regions on the needs of women with disabilities and the appropriate support measures.

In its *Women's Development Goals Report* published last year, the WoC listed "improve medical facilities for disabled women" as one of the women's development goals and proposed to increase the number of gynecological examination tables for the disabled in Women Health Centres (WHCs) and Maternal and Child Health Centres (MCHCs). In response to the WoC's recommendation, the Department of Health (DH) furnished in three MCHCs additional gynecological examination tables for the disabled in 2011 and plans to extend the initiative with an ultimate objective to providing every WHC/MCHC with the facility.

- (b) The Government is committed to ensuring that women with disabilities receive rehabilitation services and support on an equal basis as other persons with disabilities. With the advice and support of the WoC, gender mainstreaming has been progressively implemented in different policy areas since 2002. It helps government officers consider in a systematic way the different needs and perspectives of both genders during the process of policy design and programme implementation so that women and men have equitable access to, and benefit from, society's resources and opportunities. Gender-related training has also been provided on an ongoing basis to civil servants of various ranks and departments to strengthen their gender sensitivity and understanding of gender-specific needs.

- (c) NGOs providing rehabilitation services offer appropriate training and guidance, including sex education, to service users with intellectual disabilities or mental illness according to their needs. In this regard, the Clinical Psychological Service Branch of the Social Welfare Department produced a sex education package in 2010 for distribution to rehabilitation agencies to assist their front-line professionals (for example, social workers, psychologists and counsellors) in providing sex education to adults with intellectual disabilities, including self-protection against sexual abuse.

The Education Bureau also strives to promote sex education in primary and secondary schools, including special schools, through a holistic school curriculum which instills in the personal growth of students an understanding of sex-related issues (for example, self-protection, gender equality and relationship with the opposite sex). It aims to nurture positive values, a healthy attitude towards sex, and related life skills (for example, decision-making and refusal skills) for the benefit of students' whole-person development. For teachers, the Education Bureau organizes various professional development programmes on sex education throughout the school year, including training on raising students' gender sensitivity and awareness against sexual abuse, and enhancing educators' consciousness about gender equality. Professional education programmes on sex education are also provided to teachers of special schools.

The MCHCs of the DH have been providing women with information on sexual health. Corresponding counselling and relevant services (for example, contraceptive methods and cervical screening) are also available to cater for the individual needs of women, including those with intellectual disabilities. The Hospital Authority (HA)'s psychiatric and intellectual disability service units provide social skill training to patients with intellectual disabilities or severe mental illness on a one-to-one or group basis. The training covers, among other things, ways to get along with the same and opposite sex and norms of proper social behaviour, and equips the patients with appropriate knowledge of sex education and self-protection against sexual abuse. Apart from patient education,

the HA also provides family members and carers of patients with relevant information and support services, including crisis management.

### **Development of Tourism in Lei Yue Mun**

16. **MR PAUL TSE** (in Chinese): *President, it has been learnt that some representatives of the commercial tenants in Lei Yue Mun (LYM) are gravely dissatisfied with the extremely slow progress made by the Government in the enhancement and construction of ancillary tourism facilities in LYM (LYM Waterfront Enhancement Project) (LYM Project), thus hindering the development of tourism in LYM. Some members of the Kwun Tong District Council (KTDC) have relayed to me that the KTDC has unanimously supported the works under the LYM Project (for example, the pier works project approved in 2005 and the waterfront development project approved in 2009), but a member of another District Council, who is a member of the Civic Party, has continuously raised questions at different stages in respect of issues such as sewage, water quality improvement, road base and fire prevention, and so on, and the works projects are yet to be implemented. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed the additional expenditure on works projects caused by the delay in the LYM Project; if it has, of the assessment findings; if not, whether it can assess immediately;*
- (b) *whether it has assessed if the aforesaid political party or other political parties would, by means of seeking judicial review of environmental impact assessment reports, hinder the implementation of the LYM Project; if it has, of the assessment findings; if not, whether it can assess immediately and give an account of its policy to tackle this issue;*
- (c) *whether it has assessed if the delay in the development of the ancillary tourism facilities in LYM waterfront (including the breakwater, waterfront promenade, streetscaping and public landing facility, and so on) will undermine the ancillary facilities in the district for the Kai Tak Cruise Terminal which will commence*

*operation next year and the synergy effects to be brought about by the terminal; if it has, of the assessment findings;*

- (d) given that the SAR Government of the new term, which will commence on 1 July this year, intends to expand the organization of the Government Secretariat to include five Secretaries of Departments and 14 Bureaux, whether the Government of the new term will set aside manpower resources to iron out the controversies in the Councils of various levels so that the various projects for upgrading the tourism facilities in LYM will be implemented as soon as possible; if it will, of the contents of its plan; if not, whether it will immediately formulate a plan for setting aside manpower resources; and*
- (e) in the face of the aforesaid new questions which keep emerging, of the Government's way of compromise to avoid further delay in the various enhancement works projects?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, to enhance the attractiveness of the LYM waterfront and to capitalize its strength on seafood cuisine, the Administration is planning to take forth the LYM Project. The scope of the LYM Project includes the construction of a public landing facility, a breakwater and a waterfront promenade; the provision of several lookout points and streetscape improvement works along the footpath linking up the lookout points; as well as the construction of a new viewing platform, and so on.

We consulted the KTDC on the project framework, its scope of works as well as the conceptual design in 2005 and 2007 respectively. We further presented the fishermen's concerns on marine traffic safety, and the Marine Traffic Impact Assessment prepared by the Civil Engineering and Development Department to the KTDC in May 2008.

Gazettal for the marine works of the LYM Project was made in October 2009 under the Foreshore and Sea-bed (Reclamations) Ordinance. The relevant statutory procedures are still in progress.

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

- (a) The latest estimated total expenditure of the LYM Project is \$228.05 million. The total expenditure has increased by \$20 million as compared with the original estimate. The increase is caused by the yearly price adjustment factor.
- (b) During the gazettal of the project works, we received public views concerning the public hygiene situation in LYM. To meet the concern on sewerage problem, the relevant department commissioned a consultant in late 2010 to explore possible interim and long-term measures for improving the sewerage handling facilities in the area. The consultant has consulted the local community on its sewerage review report. The local residents generally agreed to the preferred options for the sewerage improvement schemes proposed by the consultant.

In response to the concerns raised by the objectors, the relevant works department also commissioned a consultant in 2011 to conduct a Preliminary Environmental Review in assessing the potential impacts of the proposed works on air quality, noise, water quality in the vicinity, waste management, and so on. It is envisaged that with the implementation of the recommended mitigation measures, all possible impacts will be controlled at acceptable levels.

The works department submitted an application under the Environmental Impact Assessment Ordinance for an environmental permit for the proposed dredging works. The permit was granted by the Director of Environmental Protection in March 2011. We have not received any petition for judicial review of the related permit so far. In case a petition is received, it will be dealt with in accordance with the statutory requirements.

- (c) The Kai Tak Development (KTD) project covers the ex-airport site and the adjoining hinterland districts. The new cruise terminal is one of the major infrastructures of the KTD project. The Administration has a comprehensive plan to develop the transport network and infrastructures to tie in with the commissioning of the

new cruise terminal. To heighten cruise passengers' interest in visiting Hong Kong, we will strengthen the promotion of shore excursions itineraries. The LYM Project is not part of the KTD project and its works progress will not have any impact on the KTD project.

- (d) Workload arising from the LYM Project will be absorbed by the existing staffing of the relevant Policy Bureaux and departments. No additional staffing is required.
- (e) We will endeavour to balance the views of the parties concerned so as to expedite the process in completing the statutory procedures under the Foreshore and Sea-bed (Reclamations) Ordinance and to implement the LYM Project. Subject to the authorization of the Executive Council and the funding approval by the Finance Committee, the related works departments will speed up their work as far as practicable to ensure that the construction works will be carried out promptly.

### **Conservation of Central Police Station Compound**

17. **MR KAM NAI-WAI** (in Chinese): *President, it was reported last month that the Hong Kong Jockey Club (HKJC) discarded as garbage archaeological discoveries excavated at the Central Police Station Compound (the Compound), including the foundation of a half double cross building, which is of significant historical value, and the incident has aroused strong dissatisfaction from members of the Antiquities Advisory Board (AAB) and heritage conservationists. In this connection, will the Government inform this Council:*

- (a) *of the commencement date of the archaeological excavation at the Compound, the number of items excavated since then and the archaeological discoveries; whether antiquities of foundations belonging to Hong Kong's first generation of prisons have been excavated;*
- (b) *whether it knows how the HKJC deals with the archaeological discoveries excavated; whether the HKJC has taken photographs of*

*each item of antiquities excavated and how the HKJC decides which antiquities are to be kept and which ones are to be discarded;*

- (c) whether the authorities have made a record of each item of antiquities excavated;*
- (d) whether it knows the qualifications of the experts who assist the HKJC in conducting this archaeological excavation and preparing the report; whether they are qualified to carry out archaeological excavation in Hong Kong; and*
- (e) whether the authorities have reported regularly to the AAB the progress of this archaeological excavation; when the last report was made and when the next report will be made?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the aim of the revitalization project for the Compound is to conserve the historical site and revitalize the buildings into a centre of heritage, arts and leisure facilities for the local community and overseas visitors. This project involves the preservation of 16 historic buildings in the Compound and the construction of two new buildings of modest scale with the associated facilities to house the gallery space, multi-purpose space and central plant. This will give new functions and uses for the Compound with minimal intervention to the existing historic buildings while complying with the current statutory requirements. To achieve the said objectives, the HKJC has been carrying out the conservation works in the Compound in a prudent and pragmatic manner.

The Compound comprises three groups of declared monuments, namely the former Central Police Station, the former Central Magistracy and the Victoria Prison. The HKJC had applied to the Antiquities Authority for permits under section 6 of Antiquities and Monuments Ordinance (Cap. 53) to carry out the site investigation, excavation, building and other works in the Compound, and the relevant permits were obtained in December 2010, July 2011 and November 2011. The works have been carried out in accordance with the permit requirements. The Antiquities and Monuments Office (AMO) has been closely liaising with the HKJC and their consultants to monitor the progress of works.

The HKJC also submitted a preliminary archaeological investigation report on the revitalization project to the AMO in September 2011 in accordance with the requirements under the environmental permit issued by the Environmental Protection Department under the Environmental Impact Assessment Ordinance (Cap. 499) in April 2011 and the planning permission granted by the Town Planning Board under section 16 of the Town Planning Ordinance (Cap. 131) in May 2011. The investigation covered the survey of archaeological remains that might be affected by the works on site and proposed the associated mitigation measures for appropriate protection of the remains.

The abovementioned archaeological investigation report recommended categorizing the heritage significance of the remains into high, medium or low based on their importance and intactness and proposed the associated mitigation measures. Remains with high heritage significance will be preserved *in situ* while remains that have been damaged by previous construction works or having medium or low heritage significance will be recorded in detail. Selected collection of the bricks and foundation stones will be kept for interpretation purpose or for the repair of the historic buildings. Upon completion of the revitalization works, the HKJC will provide heritage interpretation and organize educational activities to help visitors appreciate the history of the buildings in the Compound, including the radial plan prison buildings.

My answers to the five parts of the question are set out below:

- (a) Based on the abovementioned archaeological investigation findings, the HKJC commenced the archaeological survey-cum-excavation, in areas that would be affected by the works, in April 2012 to understand the distribution and conditions of the underground remains. As recommended in the archaeological investigation report, the radial plan prison buildings with high heritage significance (that is, the existing D Hall) will be preserved *in situ*. To date, one third of the survey-cum-excavation works in the prison area have been completed. The survey confirmed the archaeological investigation findings that remains in the area had been damaged by previous construction works, and that no underground chamber was found.
- (b) The AMO has been closely liaising with the HKJC and their archaeological consultants to monitor the progress of archaeological



work. The consultants would record the whole archaeological survey-cum-excavation process. The existing concrete pavement and the filling materials underneath will have to be removed to facilitate the survey-cum-excavation works. Selected collection of the bricks and foundation stones will be kept for interpretation purpose or for the repair of the historic buildings.

- (c) As recommended in the archaeological investigation report, the HKJC will preserve the archaeological remains of high heritage significance *in situ*. For the other remains, the HKJC will keep detailed written, cartographic, photographic and video records in accordance with the international practice.
- (d) The work of archaeological investigation and survey-cum-excavation are co-ordinated by the HKJC's consultants, ERM-Hong Kong Limited (ERM), led by Dr JIN Zhiwei, Senior Lecturer of the Department of Anthropology of the Sun Yat-sen University. Apart from Dr JIN, ERM has engaged several qualified archaeologists who have led or taken part in a number of archaeological survey and investigations in Hong Kong.
- (e) Based on the current progress, the archaeological survey-cum-excavation works within the former Victoria Prison are expected to be completed in two to three months while the works for the whole Compound are expected to be completed by the end of this year. The HKJC arranged a site visit for members of the AAB on 6 June 2012. At the AAB meeting held on 14 June 2012, AMO also briefed the AAB on the progress of the works. Members acknowledged the arrangements of these archaeological works. The AMO will continue to closely monitor the progress of the works and will brief the AAB as appropriate.

### Community Care Fund

18. **MR FREDERICK FUNG** (in Chinese): *President, it has been reported that the imminent change of Government brings uncertainty to the future of the Community Care Fund (CCF) and, in addition, since the establishment of the CCF in late 2010, a huge gap has persisted between the actual amount of*

*donations received by the CCF and the target of raising \$5 billion from the business sector. In the reply to my question on 2 November last year, the authorities indicated that they would "demonstrate its[CCF's] concrete accomplishments to the community, seek recognition for its work ..... from various sectors" to attract donations from all sectors in the community. In this connection, will the Government inform this Council:*

- (a) of the work of the authorities and its progress in raising funds from the business sector for the CCF last year; whether they can provide information such as the donations pledged and the actual amount of donations received so far (including a list of individual/institutional donors); of an update of the accumulated balance and the use of the CCF; whether the deposit of \$5 billion placed with the Hong Kong Monetary Authority as the seed capital has been used so far;*
- (b) whether the authorities have assessed if the problem of sustainability will arise in the operation of the CCF with the existing progress in fundraising; whether further funding approval will be sought from the Legislative Council for maintaining the mode of funding the operation of the CCF with the investment returns; and*
- (c) whether the authorities have reviewed the various issues such as the effectiveness of the CCF in poverty alleviation, its operation and sustainability, and so on, before the change of Government; if so, of the results; whether they have discussed with the Government of the next term the arrangements on the transition, maintenance or abolition, and so on, of the CCF; if they have, of their suggestions?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President,

- (a) The Finance Committee (FC) of the Legislative Council approved the injection of \$5 billion into the CCF in May last year. The amount of donations pledged is about \$1.8 billion, some of which will be made by yearly instalments over three years. The actual amount of donations received so far is around \$780 million. We will announce the list of donors at an appropriate juncture, having regard to the wish of individual donors.

Since its establishment, the CCF has launched 17 assistance programmes<sup>(1)</sup>, which are expected to benefit several hundred thousands of people/households at an estimated full-year expenditure of around \$1 billion. As at end May this year, 12 of them have been rolled out by the CCF. The CCF has disbursed around \$270 million to departments/organizations entrusted to implement the assistance programmes, and the deposit of \$5 billion placed with the Hong Kong Monetary Authority has not been used.

- (b) Based on the current financial position of the CCF, there is no problem in sustaining the CCF's operation. We have no plan to seek the Legislative Council's further injection into the CCF, and will continue to review the financial position of the CCF in the light of practical experience.
- (c) The Steering Committee on the CCF and its Subcommittees have been monitoring the implementation of the assistance programmes. Having regard to the progress of the programmes that have been rolled out, the relevant departments/organizations have conducted evaluation on a number of programmes. At its meeting in May, the Steering Committee supported the incorporation of four CCF programmes into the Government's regular assistance programme.

The Government of the current term has maintained communication with the Chief Executive-elect on policies which will be extended to the Government of the next term. The CCF will continue to roll out assistance programmes.

### **In-patient Treatment Arrangements for Drug Abusers with Mental Problems**

19. **DR JOSEPH LEE** (in Chinese): *President, at present, cases involving mental problems caused by drug abuse are referred to the psychiatric departments of public hospitals for follow up treatment, and if the circumstances so require, the patients concerned will even be hospitalized. However, some*

(1) Excluding the programme to provide a one-off allowance of \$6,000 to new arrivals, with an additional injection of \$1.5 billion into the CCF as approved by the FC of the Legislative Council in July last year.

*healthcare personnel have pointed out that the conditions of drug abusers with mental problems are different from those of persons with common mental disorders, and the arrangement of putting these two types of patients in the same ward may affect the operation of the wards, and even pose danger to front-line staff. In recent years, the substantial increase in the number of drug abusers hospitalized for mental problems has aggravated the burden on psychiatric wards. In this connection, will the Government inform this Council if it knows:*

- (a) the number of drug abusers admitted to the psychiatric wards of public hospitals in the past three years due to mental problems caused by drug abuse, and the percentage of this number in the total number of patients admitted to the psychiatric wards, together with a breakdown by hospital;*
- (b) the average length of stay (number of days) of drug abusers admitted to psychiatric wards in the past three years due to mental problems caused by drug abuse;*
- (c) whether the Hospital Authority (HA) has increased the manpower in psychiatric wards in response to the increase in the number of cases of drug abusers being admitted to psychiatric wards due to mental problems caused by drug abuse; if it has, the details; if not, the reasons for that and whether it will consider increasing such manpower; and*
- (d) given that the conditions of drug abusers are different from those of persons with common mental disorders, and they call for different handling approaches, whether the HA has considered handling these two types of patients separately so as to provide more targeted psychiatric treatment for them; if it has, the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, to tackle the youth drug problem (including drug abuse), the Government has worked closely with different sectors and adopted a multi-pronged strategy over the past few years, including increasing resources for drug treatment and rehabilitation services. With the concerted efforts made by the Government and different sectors of the community, there have been signs of improvements in the drug

scene over the past few years. According to the Central Registry of Drug Abuse, the number of reported drug abusers dropped by 18% from 13 990 in 2009 to 11 469 in 2011. The decline among those aged under 21 was more pronounced, with a drop of 41% from 3 388 to 2 006 over the same period.

The number of drug abusers with mental problems receiving follow-up treatment at psychiatric departments of the HA has increased in recent years. The increase is mainly due to the deployment of additional resources by the HA to tackle the drug abuse problem. For example, an additional \$12.5 million and \$10 million were allocated in the financial years 2009-2010 and 2010-2011 respectively for the provision of more consultation sessions at Substance Abuse Clinics (SACs) to provide support for more patients.

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

- (a) The total number of admissions to the psychiatric wards of public hospitals due to drug abuse (with a breakdown by cluster) and the percentage of these figures in the total number of admissions to the psychiatric wards in the past three years are as follows:

|   | 2009-2010* | 2010-2011 | 2011-2012 |
|---|------------|-----------|-----------|
| Total number of admissions to the psychiatric wards of public hospitals due to drug abuse | 1 330      | 1 460     | 1 520     |
| Hong Kong East Cluster  | 170        | 170       | 150       |
| Hong Kong West Cluster  | 40         | 50        | 70        |
| Kowloon Central Cluster   | 220        | 250       | 260       |
| Kowloon East Cluster  | 20         | 40        | 50        |
| Kowloon West Cluster  | 340        | 370       | 440       |
| New Territories East Cluster  | 310        | 320       | 300       |
| New Territories West Cluster  | 240        | 260       | 250       |
| Percentage in the total number of admissions to the psychiatric wards                     | 8.3%       | 9.2%      | 9.5%      |

Note:

- \* The broken-down figures for each cluster do not add up to the total number of admissions due to rounding-off.

- (b) The average length of stay (number of days) of drug abusers admitted to psychiatric wards in the past three years due to mental health problems caused by drug abuse is as follows:

|  | <i>2009-2010</i> | <i>2010-2011</i> | <i>2011-2012</i> |
|--|------------------|------------------|------------------|
| Average length of stay<br>(number of days) | 22.7             | 22.3             | 28.1             |

- (c) The HA has all along adopted a multi-disciplinary approach to follow-up on mental patients with multi-disciplinary teams comprising doctors, nurses and allied health professionals to provide appropriate services including in-patient and out-patient services, day training and community psychiatric service to patients (including patients with mental problems caused by drug abuse) having regard to the needs of the patients. In addition, SACs have also been established in the seven hospital clusters under the HA to provide treatment for those referred by counselling centres for psychotropic substance abusers, voluntary agencies and other healthcare providers, as well as patients seeking service direct from them. Services provided by SACs include drug treatment, counselling and psychotherapy as required. As for the manpower required for in-patient psychiatric services, the HA will make appropriate manpower deployment in the light of the overall demand for in-patient services. In 2012-2013, an additional of 29 psychiatric nurses, seven psychologists and six occupational therapists will be recruited by the HA with a view to enhancing the in-patient psychiatric services of the clusters.
- (d) The multi-disciplinary teams of the HA's psychiatric departments will, on the basis of their professional judgment, arrange in-patients (including drug abusers) to receive appropriate treatment in the light of the clinical care needs of individual patients. Healthcare professionals will take into account the conditions of individual patients and consider making proper arrangements to segregate drug abusers from other in-patients in the ward when necessary, in order to provide more effective and targeted treatment.

**Allocation of Public Rental Housing Units in North District**

20. **MRS REGINA IP** (in Chinese): *President, quite a number of public rental housing (PRH) applicants (applicants) have written to me to raise objection to the authorities adopting the approach of cross-district flat allocation because of the shortage in supply of PRH flats in the North District. They have pointed out that cross-district flat allocation fails to cater for their basic needs and family circumstances and therefore they have no choice but to time and again give up the valuable chance of being allocated a flat, and eventually they need to start queuing afresh. In this connection, will the Government inform this Council:*

- (a) *given the reasons pointed out by some applicants for giving up cross-district flat allocations, which include their being old and physically weak and not being able to afford the transport costs of working across districts, their children who are still at school being compelled to change schools, the need for them to take care of elderly family members in the North District, and their having difficulties in adapting to a new district because of old age, and so on, whether the authorities will verify the applicants' reasons for giving up cross-district flat allocations and accord priority in the allocation of PRH flats in the North District to applicants faced with the aforesaid problems; if they will not, of the specific proposals and supportive measures offered by the authorities at present to address the problems encountered by such applicants;*
- (b) *given that some applicants have pointed out that since quite a number of units in the older PRH estates are units under the Tenants Purchase Scheme, which are not available for allocation, while the number of refurbished flats available is very small and the new units will only be completed in a few years' time, hence there is an acute shortage of units available in the North District and Tai Po for allocation at present and applicants are often allocated PRH flats or interim housing in Tuen Mun or Tin Shui Wai, which are far away from the North District, of the number of PRH flats available for allocation in the North District and the number of applicants applying for same district allocation of PRH flats in the North District since 2009; of the details of the construction of PRH flats carried out by the authorities at present in the North District; whether the authorities have any targeted measure at present to deal*

*with the problem of imbalanced supply of PRH flats in the North District and the applicants of the North District being compelled to move across districts, as pointed out by some applicants; if they have, of the specific details; if not, whether they will consider formulating such measures; and*

- (c) *as some applicants have pointed out that at present, the area covered by each Waiting List (WL) District is too extensive and they propose that the number of WL Districts be reverted from four at present to eight as in 1998 so that the WL Districts can be further demarcated and the geographical needs of the applicants can be catered for, and some applicants also propose that the Housing Department (HD) should give them the choice to confine their applications to a specified district as long as they are willing to accept the implications of such a change on the allocation arrangement and their waiting time, whether the authorities will study the feasibility of such proposals; and if the study result is in the affirmative, whether the authorities will take forward the proposals; if not, whether the authorities have any other measure in place to meet the geographical needs of the applicants; whether the authorities will consider further relaxing the restriction that applicants are generally not allowed to apply for PRH in the urban areas, so that some applicants who intend to move across districts need not remain on the WL for PRH flats in the North District; if they will not, of other targeted measures in place?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, before giving a reply to the question, I would like to explain the purpose and the background to the change in the WL districts in 1998. Prior to 1998, there were eight WL districts. However, owing to the distribution of available PRH flats, the waiting time varied greatly from district to district. The smaller the district size, the more difficult it was to identify suitable flats for allocation. At that time, there were about 143 000 WL applications, and the waiting time of about 19 000 of them was six years or more, while the average waiting time was 6.5 years. The situation was very unsatisfactory.

The Housing Authority (HA), therefore, reduced the number of WL districts from eight to four in 1998. The primary purpose was to ensure more



efficient deployment of PRH resources, to expedite flat allocation, and to reduce the prolonged waiting time for WL applicants who had chosen districts which were more popular.

After the regrouping, the four WL districts are Urban (including Hong Kong Island and Kowloon), Extended Urban (including Tung Chung, Sha Tin, Ma On Shan, Tsuen Wan, Kwai Chung, Tsing Yi and Tseung Kwan O), the New Territories (including Tin Shui Wai, Tai Po, Fanling, Sheung Shui, Tuen Mun and Yuen Long) and the Islands (excluding Tung Chung). WL applicants have to select a WL district to wait for their turn in flat allocation.

In addition, owing to the tight supply of PRH flats in the Urban District, the HA approved a measure in 1990 to restrict newly-registered applicants from choosing the Urban District. However, the HA has all along been monitoring closely the supply and demand of flats in the Urban District and has relaxed the requirement on several occasions as appropriate. At present, WL applicants with their applications registered on or before 30 September 2009, those joining the Single Elderly Persons Priority Scheme, the Elderly Persons Priority Scheme or who choose to live with their elderly family members under the Harmonious Families Priority Scheme can choose PRH flats in the Urban District.

In accordance with the resources available at the time of allocation, the HD will allocate PRH flats to WL applicants in the order of their priority in registration, family size and choice of district when their applications on WL are due for allocation. The allocation will be done by random computer batching for the sake of fairness.

My response to the three parts of the question is as follows:

- (a) According to the current allocation policy, WL applicants can only opt for one PRH district but not any smaller district or a particular PRH estate. If an applicant has chosen the New Territories, the HD will allocate an appropriate flat located in the New Territories by random computer batching. However, for WL applicants who need to reside in a particular smaller district on exceptional medical grounds or due to social factors, on the production of supporting documents together with the recommendations from the government departments or organizations concerned (such as the Social Welfare Department or the Hospital Authority), the HD will make the

arrangements accordingly as far as possible subject to the availability of resources.

- (b) As regards PRH supply in the North District, Ching Ho Estate in Sheung Shui was completed in the end of 2008 and intake of population began in 2009. Although no new PRH estate has been completed in the North District since 2009-2010, the PRH development at Sheung Shui Area 36 West is under construction and is scheduled for completion in 2014-2015, providing about 1 360 units.

The HA will continue to actively identify suitable sites for PRH development in different parts of the territory, including the North District. All sites, regardless of their size and location, will be considered for PRH development under the principle of efficient use and optimal utilization of land resources so as to develop cost-effective and sustainable public housing. In 2010 and 2011, we consulted the North District Council on the PRH developments at Choi Yuen Road Sites 3 and 4 in Sheung Shui and Fanling Area 49. The planning and design of these two projects are being actively pursued. If other suitable sites are identified in the North District for PRH development in future, we shall consult the North District Council and the local community.

As mentioned above, according to the current allocation policy, applicants can only choose from the four PRH districts but not any smaller district. Therefore the HD does not have any figures on the number of applications for allocation in the North District.

- (c) We appreciate that some WL applicants prefer to have more district choices in their PRH applications. However, given the limited PRH resources, if the number of WL districts is to be reverted to eight districts, or if the applicants are allowed to confine their choices to certain smaller districts, there is no question that the situation that took place before 1998 will occur again. This would cause severe imbalance in the supply and demand of PRH flats and result in prolonged waiting times. Moreover, families which are

recommended by relevant departments to move to smaller districts for health or social reasons may not be able to have flats allocated in a timely manner. To prevent the above situation from occurring again and to utilize our valuable housing resources as soon as possible to assist people with housing need, we consider it is appropriate to retain the four existing districts for applicants to choose from. However, as stated above, if applicants are recommended to move to specific districts or even estates for health or social reasons, the HD will make the appropriate arrangements subject to the availability of resources.

As regards the restrictions on applying for urban PRH flats, relaxation measures have been introduced from time to time by the HA according to the demand and supply of PRH flats in urban areas. The most recent relaxation was approved by the Subsidised Housing Committee of the HA in June 2011, under which applicants who were registered on WL on or before 30 September 2009 can opt for urban PRH flats. Before the relaxation, only those who registered on or before 30 September 2006 could do so. At a suitable time when there is an appropriate level of supply of PRH flats in urban areas, the HA will review the general demand and supply of public housing resources and consider relaxing the restrictions subject to the availability of resources.

**PRESIDENT** (in Cantonese): I now suspend the meeting until 2.20 pm.

1.22 pm

Meeting suspended.

2.20 pm

Council then resumed.

**MOTIONS**

**PRESIDENT** (in Cantonese): The Chief Secretary for Administration made a request to me yesterday to seek my consent for him to move a motion in the meeting today under Rule 91 of the Rules of Procedure (RoP) to suspend Rule 18 of the RoP, so that this Council can deal with the resolution to be proposed by the Secretary for Constitutional and Mainland Affairs on the reorganization of the Government Secretariat before dealing with other Government Bills.

In deciding whether or not I should agree to allowing the Chief Secretary for Administration to move this motion, apart from considering the grounds put forward by the Chief Secretary, I have also to consider this question. If this resolution proposed by the Secretary for Constitutional and Mainland Affairs is to be dealt with at this meeting, would Members have a reasonable amount of time to make the preparations? I noted that Members had been informed by writing on 10 May that the Secretary for Constitutional and Mainland Affairs would propose the relevant resolution at the meeting on 20 June, that is, today. The subsequent work done by this Council with respect to this resolution, including the deliberations made in the relevant subcommittee and the handling of many amendments from Members, was all based on the date this resolution being handled in the Council meeting concerned.

The Agenda issued by the Secretariat to Members, including the draft Agenda issued on 12 June, as well as the Agenda issued two days ago, has clearly set out the resolution as part of the Agenda. Therefore, I am convinced that Members are aware of the fact that this meeting will deal with the resolution proposed by the Secretary for Constitutional and Mainland Affairs. However, as a number of items remain outstanding from the several meetings held recently, including a number of Government Bills, this state of affairs has led to a need to suspend Rule 18 of the RoP to enable this Council to deal with the resolution from the Secretary at this meeting as scheduled. Owing to these considerations, I decided to give my consent to the Chief Secretary to move this motion under Rule 91 of the RoP.

(Mr KAM Nai-wai raised his hand in indication)

**MR KAM NAI-WAI** (in Cantonese): I request a headcount.

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

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

**PRESIDENT** (in Cantonese): Chief Secretary for Administration, please move your motion.

**(Motion scheduled to be dealt with at this Council meeting)**

#### **MOTION UNDER RULE 91 OF THE RULES OF PROCEDURE**

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): President, pursuant to Rule 91 of the Rules of Procedure (RoP) of the Legislative Council, I move that Rule 18(1) on Order of Business at a Meeting be suspended at the Council meeting of 20 June 2012, that is, today.

To facilitate the Chief Executive elect in reorganizing the Government Secretariat, the Chief Executive and the current-term Government have agreed to provide full support to the exercise in the interest of ensuring a smooth transition to the fourth-term Government.

To take forward the proposal to restructure the Government Secretariat, the Secretary for Constitutional and Mainland Affairs gave notice in advance to the Legislative Council on 7 May to indicate that he would move a resolution pursuant to the Interpretation and General Clauses Ordinance at the meeting of the Legislative Council on 20 June 2012 to provide for the transfer of the statutory functions vested in public officers in the Policy Bureaux affected by the reorganization.

In view of the progress of the Legislative Council in dealing with Council business and owing to the urgency of the reorganization work, it is our wish that the Legislative Council can give priority to deliberating on the resolution on the restructuring of the organization structure. Therefore, pursuant to Rule 91 of the RoP, I move that Rule 18(1) on Order of Business in a Meeting be suspended in

the hope that priority can be given to deliberating on the motion moved by the Government as set out on the Agenda today, before dealing with other Government Bills.

Moreover, we suggest that the Legislative Council should deliberate on the motions to be moved by the Government according to the following order:

- (1) first, deal with the proposed resolution under Article 73(7) of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance on the appointment of permanent and non-permanent Judges of the Hong Kong Court of Final Appeal;
- (2) then deal with the proposed resolution under section 54A of the Interpretation and General Clauses Ordinance on the transfer of statutory functions of public officers in light of the reorganization proposal;
- (3) lastly, deal with other motions proposed by the Administration regarding the relevant subsidiary legislation.

After the Legislative Council has finished with the motions proposed by the Government, then the Bills introduced by the Administration will be scrutinized.

I hope Members can lend their support to the order of business in Council meeting proposed by the Administration to enable the Council to deliberate first on the resolution which is to be passed in light of the proposal to reorganize the Government Secretariat. This will give more room of development to the Government of the following term and to enhance its ability in governance so that it can deal with and make timely responses to ever-changing socioeconomic needs in Hong Kong.

President, I so submit.

**The Chief Secretary for Administration moved the following motion:**

"That Rule 18(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be suspended at the Council meeting of 20 June 2012."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by the Chief Secretary for Administration be passed.

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

**MR ALBERT HO** (in Cantonese): President, last night we learnt for the first time from your slip of the tongue that we had to deal with this motion today, that is, suspending Rule 18 of the RoP and deliberate on the motion to reorganize the Government Secretariat and postponing the other important Bills that are waiting for their turn for examination.

Why did I say that I was surprised to hear from the slip of the tongue of the President yesterday? It is because over these past few days we have been pressing for the Agenda for today and the Agenda that we have seen earlier has listed all the Bills in order and the motions to be passed are also listed after the Bills as with the established Council business procedure. If the Government wants to suspend the relevant rule in the RoP, then there would be no reason why the proposal was not put forward in advance, that is, 10 days before ..... I am not sure if it is 10 days. Right, it should be 12 days. If the Government thinks that 20 June is the deadline for the deliberations to be made on the reorganization of the Government Secretariat and it cannot be deferred to 27 June, and given this deadline of 20 June is already known beforehand, then the Government should have told us long ago, stating it clearly that if it is found that time is not sufficient, it would apply for leave to suspend the relevant rule in the RoP and make the resolution for reorganization a priority item to be dealt with on 20 June.

Why is a sufficient notice in advance so important? It is because the Government must respect the order of proceedings, RoP and the established parliamentary practice of the Legislative Council. Unless absolutely necessary, it must not create any special or exceptional situation. More importantly, it should not leave people with an impression that the Government is making a blitz or surprise attack. Although the Government may argue that it has been reported in the newspaper that the resolution on reorganization will be discussed on 20 June, the practice employed by the Government on this occasion is not appropriate. Since it is entirely within the Government's ability to give a notice

in advance, it should have informed us at the beginning of June that should any contingency arise before 20 June, the Government will apply for leave to prioritize this resolution. This is a very important point in terms of procedure.

President, as you are aware, this congestion before us now did not occur in just this past couple of days but one week before or even earlier. That the Government waited until last night to write to the President of this Council only shows that it does not respect this Council at all, as well as the RoP and the parliamentary practice. This is my first point.

Second, I feel sorry to note that the President has let the Government get away with this too easily. He permitted the Government to dispense with the required sufficient notice. The notice from the Government was not made even within 24 hours in advance, and it is about a motion to suspend the relevant rule in the RoP. President, when you do this, you are encouraging the Government to adopt this kind of mentality from now on, that is, springing a sudden attack and proposing a motion at any time it wants, thus making it impossible for Members to make proper preparations. President, you may say that it would not be such a big deal after all because Members are all very familiar with the issues related to reorganization. These have been discussed in the Establishment Subcommittee and questions were asked about them. Many questions were also asked in the Finance Committee. And we all know very well all the relevant issues and there would not be any need for much preparation.

So you may think this way, but I must say there are procedures for parliamentary deliberations in this Council, too. We are preparing for the Bills waiting to be tabled and we are studying what to speak in the debate on the amendments to these Bills. Now if we are asked to make a sudden turn to consider the reorganization motion, we must be given ample time beforehand to make preparations. So we are very much unhappy with the move taken by the Government. In our opinion, it is not proper for the President to allow the Government to do so without giving sufficient notice in advance. Having said that, it remains to be a ruling you have made and we can do nothing about it. But we would think that this ruling is not proper.

Third, the Chief Secretary repeatedly said just now that the reorganization plan should complete according to the plan perceived by the Chief Executive



elect, so that the entire team of top officials can swear in on 1 July as scheduled and assume their respective posts and start working. President, why does it have to be done this way? Would it be putting the cart before the horse? Over these past few weeks we have been putting forward the view that 10 years after the implementation of the accountability system, many problems have emerged and if no review of the system is made and if the system just goes on and even undergo the expansion of adding two Deputy Secretaries of Departments of such importance, would it be appropriate at all? This is really reversing the priorities.

If we are really to reverse the priorities, there would be even stronger grounds for not lending our support to this hasty move by the Government. We cannot ask everything to give way just because the Government wants to have everything neatly in place by 1 July. This will simply not work. Members have raised many questions and presented their views over the past couple of weeks in the Establishment Subcommittee and the Finance Committee. All these questions and views are concrete and specific. But the Government has failed to respond to them entirely. The Finance Committee has not yet come to vote on the proposal even now because the Government has not yet submitted all the papers. We have asked the Chief Executive elect's Office to provide the amended version of the code of practice for accountable officials, but we have not received it to date. Why does this Council have to twist and bend all the procedures and established parliamentary practices just to enable Mr LEUNG Chun-ying to prepare the stage and roll out the carpet for this kind of cosmetic work so that his team can swear in? Why should the priorities be reversed?

President, we have said many times that Mr LEUNG Chun-ying should launch his reform only after he has assumed office. If his reform has the support of the public, he does not have to fear anything about a consultation exercise and review which are meaningful and he should not try to produce a *fait accompli* by hurrying things through as he is doing now. He should also not try to conduct a review two years later. He should not handle constitutional issues of such gravity and importance in this manner.

President, I reiterate once again that Members have a strong view on this and we think that it is not logical at all to try to effect a transfer of powers by passing this resolution before the Finance Committee has approved of the funding application for the creation of the relevant posts. To whom should the powers

be transferred? If it is said that the transfer of powers is aimed at those new officials, when their respective posts are not even created because the Finance Committee has not yet approved of the funding for the creation of such posts, then the cart is really put before the horse. So this move now is absurd and confusing to the extreme. It also displays an utter contempt of our institution.

Mr LEUNG Chun-ying has not yet assumed office but he is already wreaking havoc in town. He disregards our institution, and this is a very serious problem. So the Democratic Party opposes strongly this kind of action. I am sure Members from the pan-democratic camp will share this view, too.

Mr LEUNG Chun-ying has said that even if this motion cannot be passed by 1 July, it would not mean the end of the world. That is to say, things will go on as usual. He can use the existing administrative framework of three Secretaries of Departments and 12 Directors of Bureaux. The duties and functions under that system are likewise complete. Why can he not try to realize his ambitious plans by following the existing framework, instead of resorting to destroying our institution and the relationship with the Legislative Council? I hope Mr LEUNG and his team can rein in the horse at the precipice and refrain from pitching themselves in strong confrontation with this Council. Actually, this kind of confrontation can be traced back to his arrogance or executive hegemony and a blatant disregard of the relevant institutions. I urge him to rein in his horse. He has a five-year term to go and if his performance is good enough, he can expect a total of 10 years ahead of him. Why should he not proceed step by step and undertake a proper review of the institutions instead of trying to push through the proposal and impose his will on this Council?

President, I hope Honourable colleagues from the pro-establishment camp will not play the role of an accomplice in this, and they should not help Mr LEUNG go ahead with his hegemonic act of sacrificing the dignity of this Council and twisting and bending our proven system beyond recognition. It must be admitted that the President can exercise his discretion, but his discretion must be exercised in a discreet manner and it must be wise and carefully executed.

Having said all this, I hope Members can think about this carefully. It must be remembered that once we have done anything destructive, we may think

that this kind of thing would only be done once. But we should know that a very bad precedent has been set. Once something is done, it means the same thing will be done again and again in future. The rule of law will be destroyed in this manner. I therefore urge Members to oppose the motion to suspend the relevant rule in the RoP.

**PRESIDENT** (in Cantonese): I made it clear earlier the grounds on which I gave my consent to the Chief Secretary for Administration to move his motion. However, when Mr Albert HO began his speech, he talked about the Agenda for this meeting. Mr HO said that the Agenda had set out many Bills but all of a sudden this Council was required to deal with this motion first. As we know, Agendas are decided by me in my capacity as President of this Council, so I must clarify this in the first place.

Mr HO, as I have informed Members, the Agenda which I have issued to Members through the Secretariat, and this includes the draft Agenda I issued to Members last week as well as the Agenda I issued to Members two days ago, has clearly set out this resolution to be moved by the Secretary for Constitutional and Mainland Affairs on the reorganization of the Government Secretariat. However, not a Government Bill was set out on the Agenda. I think Mr HO might as well take out the Agenda and read it over again. As I explained earlier, the Secretariat had informed Members on 10 May that the Secretary for Constitutional and Mainland Affairs would move this resolution at this meeting. Also, the Government has never asked us to resume the Second Reading of any Bill at this meeting. Then why should we have to first suspend Rule 18 of the RoP before deliberating on this resolution at this meeting as scheduled? This is because of the backlog of Government Bills formed from the previous meetings.

As a matter of fact, when Members had received the Agenda for this meeting, the staff of the Secretariat told me that there were really enquiries from some Members as to why Bills were not set out on the Agenda. The Secretariat staff explained to Members that because the last meeting, that is, the meeting which was suspended at 10 pm last night was not yet adjourned, there is no way we can know how many Bills there are in the backlog and these are not Bills that the Government considers matters that must be dealt with in this meeting. Under the RoP, and pursuant to our established practice, business not dealt with

in a previous meeting will be dealt with in the following meeting. So the items left over from the previous meetings will have to be handled in this meeting. However, before the meeting ended last night, there was no way we could add those backlog items to the Agenda for this meeting.

Members are right when they say that after the previous meetings, a backlog is formed and we all know that these Bills should be handled. So we have to suspend Rule 18 of the RoP. However, the situation is not like what Mr Albert HO has said, that all along the Agendas I have issued to Members have set out many Bills but they are all taken out all of a sudden and instead this motion is inserted. Mr HO was not correct when he said this. This is the clarification I have to make.

**MR WONG KWOK-HING** (in Cantonese): President, the explanation given by you just now is very important because otherwise, an unfounded rumour will circulate and this Council will be wrongfully accused.

President, I speak in support of the government motion proposed by the Chief Secretary for Administration because if we do not have the discussion today, it would not be possible to set a date for the relevant resolution and it would not be possible to fall back any further. Today is 20 June and including today, there are 11 days to go before the current-term Government will leave office. In these circumstances, if the resolution is not discussed today, we have to wait until the next meeting on 27 June — that is, next Wednesday — to have the discussion and in that event, how many more days will be left before 30 June? I believe all members of the public can get the answer by counting the fingers on their hands. Therefore, it is not possible to defer the discussion on the resolution anymore and no other date can be set for the discussion. All rational members of the Hong Kong public, no matter what their political views are, no matter if they agree with the Government's proposal or not and no matter if they support the administration by the next Government or not, would agree that we have to discuss this motion today and that there is no alternative. Therefore, just now, the President seized the opportunity to explain rightly that this motion had to be discussed today and that there was no alternative. Am I right in saying that? Moreover, let alone not discussing the relevant government resolution today, even if we discuss it today as scheduled, I believe it would still be difficult to assert if

the discussion can be concluded within 10 days. I am afraid the time for the debate will have to be extended and it has to go on round the clock if it is to be concluded. In my view, it is not possible to put off the discussion on the resolution today.

On the fact that many Bills and motions proposed earlier on by the Government are still pending deliberation, the President has hit the nail on the head. He said that no headway could be made in the deliberation last evening and that the discussion on the Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2011, which has a bearing on more than 3 million wage earners in Hong Kong, could not be concluded even though all the meeting time was used up. As the President said at the start of the meeting today, the meeting was frequently suspended, that is, after a Member had spoken, it would then be necessary to do a headcount. As a result, it took as long as half an hour for each Member to speak. May I ask how we can avoid adopting this strategy in dealing with this resolution? In fact, this situation arose early last month. We spent five meeting dates and a total of 12 days in May on dealing with the government bill that seeks to plug the loopholes arising from the resignation of Members. Needless to say, that was a waste of public funds and even the meeting dates of the Legislative Council have all been used up. May I ask how possibly can there not be a serious "congestion" of government motions? These are the adverse consequences of filibustering, so the pan-democratic camp has to assume responsibility for this.

However, after the filibustering, various delay tactics that are not called filibuster have appeared. The state of meetings caused to remain pending the presence of a quorum that I talked about just now is also caused by a kind of filibustering tactic. Take the Competition Bill as an example, I asked the Secretariat for how many times Members had pressed the button to request a headcount. The Secretariat's reply was 51 times and a total of 8.5 hours was wasted. This amount of time is extremely valuable. If Members did not delay the meetings with filibuster or *de facto* filibuster tactics throughout May and in the first 19 days of June, may I ask how possibly could there be a serious "congestion" of so many Bills that have a bearing on people's livelihood? Therefore, since some Members said that this approach was tantamount to putting the cart before the horse, I think the Member making that remark should examine his own conscience and do some serious soul-searching first. As the saying goes, "God knows everything you do, so do according to your conscience"; black

is black, and white is white. What is real cannot be made false, and what is false cannot be made real, so to speak.

President, today, if we do not deal with the relevant resolution — honestly, I do not know if we can finish dealing with it and we can only try our best — may I ask how the current-term Government, the incumbent Chief Executive and even incumbent accountability officials can arrange for the transfer of powers after they have left office on 30 June? As in a relay race, if there is no one to take the baton when it is being handed over, what should be done? Or if the one taking up the baton is this "loner commander" without a camp of aides called LEUNG Chun-ying — a commander with no soldiers or generals under him — it would be members of the public who suffer. Or if the governing team taking up the baton is an incomplete one led by Mr LEUNG Chun-ying, may I ask how it can take over and deal with various pieces of legislation and regulations awaiting passage? Does one mean that the Legislative Council should deal with these matters only after 1 July? Doing so is putting the cart before the horse, reversing cause and effect and pursuing the details rather than the essential. Doing so will actually make the public suffer. President, I believe it is irresponsible for the Legislative Council to do so.

I believe that Members should perform their duties conscientiously and be loyal to the Hong Kong public. At this time, we should show our dedication to our duties and deliberate the reorganization proposal submitted by the Government. President, it is only by doing so that we can live up to the expectations of Hong Kong people. At present, there are many issues in society requiring urgent actions, for example, such issues as the allocation of public housing units, the purchase of Home Ownership Scheme (HOS) flats, soaring property prices, widening wealth gap, and so on. Since Mr LEUNG has already talked about his aspirations, should we not let him turn his aspirations into reality and form his team to do the work? It would not be too late if we criticize him when he fails to deliver. If we trip him up even before he has set about to work, in the hope of bringing him down, what is the point of doing so? If you bring him down, so that he cannot achieve anything, what is the point of doing that? Since doing so is detrimental to others but not beneficial to oneself, why should we do so? Let us give him a chance to turn his aspirations into reality, and it would not be too late if we inveigh and criticize him when he cannot deliver after taking office.

I am not going to talk about such grand issues of public housing and wealth disparity as presented in Mr LEUNG's political platform. Let me talk about several important issues that I am following up currently. It is most essential for the next Government to form a team to take over and deal with these matters on 1 July. For example, on the issues discussed by the committee headed by Mr TAM Yiu-chung in its initial meetings, I pointed out on that day that there were some very big "bombs" that Mr LEUNG Chun-ying had to take over. The first "bomb" is the after-hours futures trading that the Hong Kong Exchanges and Clearing Limited plans to introduce in the second half of this year, an issue that many members of the securities industry have raised with me. They said that if the current-term Government and the next-term Government do not pay close attention to this issue, after the implementation of the plan, a domino effect may occur, thus triggering a financial crisis and on a more serious note, bank runs and financial turmoil would occur. This is a time bomb, so how can the Government not take it over and deal with it?

**PRESIDENT** (in Cantonese): Mr WONG, we are debating the motion moved by the Chief Secretary for Administration.

**MR WONG KWOK-HING** (in Cantonese): Yes, President, I am explaining the urgency of the motion .....

**PRESIDENT** (in Cantonese): If you wish to voice your views on the resolution on the reorganization of the Government Secretariat, you can wait until we deliberate it to express them.

**MR WONG KWOK-HING** (in Cantonese): President, the comments I am making now are intended to explain why I support holding the debate today. Just now, I cited one of the grounds — a bomb and I will not talk about too many bombs because those bombs ..... how many bombs are there? When the committee chaired by Mr TAM Yiu-chung held its first meeting on that day, I already pointed out how many bombs there were.

I will give one more example and that would suffice. For example, all people need funeral service after death. Recently, the Government raised the tender price of public funeral service substantially. As a result, the rentals of the funeral halls of the Grand Peace Funeral Parlour are double those of private funeral parlours, so this is an issue that the new SAR Government has to deal with. If we do not reflect the relevant problems in strong and clear terms, given that the transition to the next Government cannot be handled satisfactorily and there is no one to take over the work, may I ask how these problems can be dealt with?

For this reason, I think it is reasonable and justified for the Government to propose that the resolution on the reorganization of the Government be discussed today and as the President said, this is also legal. Therefore, Members of the Hong Kong Federation of Trade Unions (FTU) support starting the discussion today. Thank you, President.

**MR ANDREW CHENG** (in Cantonese): President, last night, in the match between England and Ukraine in Euro 2012, there was a disputed score. In one instance, there was one kick delivered by Ukraine which was probably a score against England and the result of the match could have been 1-1. This score was a disputed goal. However, there are rules in ball games and there are also parliamentary rules in the legislature. President, in ball games, foul play is not allowed but running out the clock is allowed. Fouls, disputed kicks or disputed goals are all disallowed. As the Chief Executive elect, he should win people over with reasoning rather than using his power to overcome people, forcing the Legislative Council to commit fouls to facilitate his work or for the sake of face.

President, the issue of five Secretaries of Departments and 14 Directors of Bureaux is highly controversial, so there is a group of people in the Legislative Council who, representing constituents who support them — I dare not say all members of the Hong Kong public, even though Mr WONG Kwok-hing talked about all members of the Hong Kong public just now, hoping that we could pass the proposal as soon as possible but, sorry, some Hong Kong people surely think that the accountability system needs to be reviewed rather than expanded — so, this group of Legislative Council Members in the pan-democratic camp, representing their supporters, believe that the accountability system should be reviewed before an expansion is considered. This is the process of deliberation in the legislature, and this could not be more natural.



If the Government commits fouls today by forcing us to suspend the procedures and rules under the RoP high-handedly and the President allows it to do so, frankly speaking, this would be a hallmark of contempt of the Legislative Council, which is more disgusting than the President cutting the filibuster. This has a bearing on how we can uphold the dignity of the Legislative Council. If the Finance Committee has not yet made any decision and the funding proposal has not yet been approved, I wonder if there will be any funds to make the expansion into five Secretaries of Departments and 14 Directors of Bureaux. In that case, passing the resolution is tantamount to exerting pressure on the Finance Committee. Or, if the resolution is passed but the Finance Committee does not give its approval, that would be a mighty big joke.

In conducting any business, there must be rules and order. The Government often talks about gradual and orderly progress. On universal suffrage, it talks about making gradual and orderly progress but when talking about this sort of things, it just wants to hack and slash its way through. How can it be like this? Before the Finance Committee has approved the proposal, the resolution is already tabled before us. We may as well dissolve the Legislative Council. Why bother with all the rules, motions and discussions? The executive can do whatever it thinks the Legislative Council ought to do. Why do we need the Legislative Council? Therefore, President, if even committing fouls like this today is allowed, the Legislative Council will be done for and the Legislative Council would become a stooge of the executive.

President, we hope that the many officials who cannot or do not want to make the transition to the new Government can say something that befits a human being. Concerning the Chief Secretary for Administration, Mr Stephen LAM, in the past, I would not and did not use adjectives that he does not like to describe him. I hope that he, before leaving office for further studies overseas, can do something desirable that we consider to be mutual respect. However, unfortunately, today, he has made this decision to ask the Legislative Council to resort to foul play, thus adding another item to the many controversial issues handled by him on behalf of the Government in the past. Why should he do this?

President, Mr WONG Kwok-hing said that there was no alternative and we could not possibly put off discussing this matter anymore. Why not? Having

five Secretaries of Departments and 14 Directors of Bureaux is a controversial issue and each year, an additional \$78 million of public funds will be expended. There are perhaps really some problems with the accountability system of the past, since even the Chief Executive, Donald TSANG, also said that there was a need for a review in his last Question and Answer Session. However, the Chief Executive elect has not even conducted any review of the original accountability system before hastening to add two Deputy Secretaries of Departments and two Directors of Bureaux. Next, he made further changes to the system of political assistants.

President, this is a very controversial issue and we believe Members of the pan-democratic camp are not trying to pull the Government's leg, rather, they are doing what we should do, that is, to remind the future Government of the need to deal with the shortcomings of the original accountability system and to rectify some of the faults and shortcomings instead of aggravating them.

Mrs FAN also said — of course, she is now a Deputy to the National People's Congress and a member of the Standing Committee of the National People's Congress rather than someone in the Government, but as a former President of the Legislative Council, her comments have hit the nail on the head — she said that this was a project of face. What can hinder the Chief Executive elect? Without five Secretaries of Departments and 14 Directors of Bureaux, would the sky really collapse? Would the Government really collapse? If it would, does it mean that you have no confidence in the original team?

I remember that at the time of the reunification, in particular, when Macao was reunited with China, on one occasion, I had a chat with the Chief Executive of the Macao SAR Government, Mr Edmund HO, who said something that made me feel the determination of the first Macao SAR Government. He said that the Portuguese administration had left, not a single piece of paper or a single pen in any office and when many young Secretaries of Departments or Directors of Bureaux opened the doors and saw this, some of them had such a shock that they fainted. How could they embark on their work? How could they take over the Macao Government? Look at this. What is impossible? There is nothing that cannot be done. The three Secretaries of Departments and 12 Directors of Bureaux are now functioning, so do not hoodwink Hong Kong people. Are the three Secretaries of Departments and 12 Directors of Bureaux not functioning properly now? Why must two Deputy Secretaries of Departments and two

Directors of Bureaux be added before LEUNG Chun-ying's administration can function smoothly? I call on Members not to act against their conscience.

It is said all the time that a proposal should be passed first and reviews can be conducted subsequently. President, I think such an approach is really detestable. This is precisely the tactic adopted by the pro-establishment camp in the past. This tactic was adopted in respect of the issues relating to the Western Harbour Crossing, The Link REIT, the merger of the two railway corporations and the fare adjustment mechanism. The tolls of the Western Harbour Crossing can be raised unilaterally and nowadays, you are railing against this, asking why its tolls can be raised unilaterally. The reason is none other than this approach adopted by the pro-establishment camp at that time. Their attitude is, "Let us pass it. Do you people oppose it? Do not stand in the way. All you know is to oppose and you oppose whatever the Government says." We voiced our views and now that problems have arisen, people like Mr WONG Kwok-hing in the pro-establishment camp have railed against it even harder than we have. Each time a toll increase was made, his face would go crimson with rage, as though he had played no part in supporting the Government at that time. How can it be like this? To behave like this is nothing other than being schizoid and so long as one does not look back, one can rail at anything. The Government's proposals are always right and they should be supported before all else. Maybe he thinks that after rendering his support, he will have opportunities to rail against it again. We must not acquit ourselves in this way. Since the legislature has been reduced to such a state, small wonder that some Members say that the Legislative Council cannot command the respect of Hong Kong people. The same is true of The Link REIT. Now, no sooner had price increases been made than the FTU took the lead to oppose the price increases made by The Link REIT but, buddy, The Link REIT is already listed. The same is true of the MTRCL .....

**PRESIDENT** (in Cantonese): Mr CHENG, please speak to the question.

**MR ANDREW CHENG** (in Cantonese): I have just finished this part.

Therefore, President, I hope that there can be rules in the legislature and we should not just think about supporting the Government and demand unthinkingly that something be passed first and reviews be conducted later. This would lead to the inappropriate use of Hong Kong's public funds. The accountability team requires improvements in many aspects, President. Since there is such a great deal of controversy, the voices of opposition in the legislature should all the more be respected. All along, I have said that these voices of opposition come from Members of the pan-democratic camp who are elected by ordinary members of the public through direct elections. The great majority of Members who support the Government come from functional constituencies and they are elected by a small number of people. This makes things even more detestable. This further makes us feel that the Legislative Council cannot represent Hong Kong people.

During the election, the LEUNG Chun-ying administration or LEUNG Chun-ying himself made the election look as though it were an election by universal suffrage. He took his political platform to the local communities, saying that he met with members of the public in local communities bringing along a pen, a notebook and a stool. Now, the recruitment of Deputy Directors of Bureaux is dressed to look like one based on merit but we all know that this is nothing other than the sharing of political booty and this kind of booty-sharing is obviously designed to create camps. Mr WONG Kwok-hing, you think that there is no alternative now and it would not do to hold off discussing this matter. However, we believe there is no reason why we cannot hold off discussing it. The pro-establishment camp thinks that whatever the Government does is right. You can serve as the "yes" camp but the pan-democratic camp believes that it should "approve of whatever is right and criticize whatever is wrong". In the past, there were many government bills and we supported 90% of them. However, in the case of some highly controversial ones, we had to stick to our position and oppose them steadfastly. Moreover, President, many bills and motions related to people's livelihood are awaiting our disposal. The Government always claims to give priority to people's livelihood and the pro-establishment camp says all the time that it is more important than politics. Given that there are a number of important bills with great bearing on people's livelihood, such as the legislation relating to Mandatory Provident Fund, the Buildings Ordinance and the compensation for pneumoconiosis, you still want to jump the queue and for the sake of this controversial issue of expanding the accountability team, you have gone to such lengths as to ask the Legislative Council to commit fouls and force the Legislative Council to do such a foolish

thing together with you. President, I strongly oppose the Government's decision to play foul today.

**MR FREDERICK FUNG** (in Cantonese): President .....

**MR LEUNG KWOK-HUNG** (in Cantonese): President, you have my staunch support in doing a headcount according to the RoP.

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

(While the summoning bell was ringing)

**MR IP KWOK-HIM** (in Cantonese): President, a point of order. I wish to understand if it was appropriate for Mr LEUNG Kwok-hung to speak so impolitely to you by not saying that it was about a point of order. I hope this undesirable trend which affects the image of the Legislative Council would not be allowed to continue.

**MR PAUL TSE** (in Cantonese): Excuse me, President. I feel a bit strange as it seems that you have not responded to the point raised by Mr IP Kwok-him just now. I wonder if you did not hear what he said or you considered the point raised by him frivolous and therefore did not enforce the RoP.

**PRESIDENT** (in Cantonese): Mr IP Kwok-him's remark just now was meant to make comments more than to raise a point. Members can stand up anytime to raise a point of order. I did not see Mr LEUNG Kwok-hung stand up at first and the Clerk reminded me of it later. After I had asked him what his point was, he said that he requested a headcount.

**MR PAUL TSE** (in Cantonese): Mr IP Kwok-him was not targeting the request for a headcount, but the attitude and manner of the Member in making a request. President, if you put up with such grossly discourteous attitude towards you and if you keep on conniving at it, the dignity of this Council will be injured and your dignity, President, will also be injured. Just as what happened earlier on .....

**PRESIDENT** (in Cantonese): Thank you for your opinion.

**MR PAUL TSE** (in Cantonese): ..... President, have you ever heard of the "Broken Window Theory"? If a broken window is not fixed, the entire community will be plunged into an unbearable mess.

**PRESIDENT** (in Cantonese): Thank you for your opinion. I will remind Members of the procedure and manner they should observe in making a point of order.

(Mr LEUNG Kwok-hung talked to other Members loudly)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point? If you wish to speak, please speak in accordance with the stipulations of the RoP when the meeting is in progress.

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

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, please go on.

**MR FREDERICK FUNG** (in Cantonese): President, with regard to this motion proposed by the Chief Secretary for Administration, I think it involves two points. The first is about procedures in the RoP, and the second is, of course, whether the motion really has such a pressing need to jump the queue.

President, I believe you must know this better than I do, as I am neither the person in charge of the RoP nor a member of the legal profession. I can only understand the procedures by reading the rules between the lines. Rule 18 of the RoP reads, "Order of Business at a Meeting (1) The business of each meeting ..... shall be transacted in the following order ....." except under two circumstances. If we go on reading it, we will see that item (i) is government bills, whereas motions are put behind item (i).

Although there is only one motion and no bill on the original Agenda for today's meeting and theoretically, the first item of business to be dealt with at this meeting should be this motion, given that outstanding bills from past meetings are carried forward to this meeting and unless these bills are not tabled in the Legislative Council today, the President should deal with them according to the order of business as set out in Rule 18 of the RoP. Do bills have priority over motions? If they do have priority over motions and since the word "shall" is used — "shall" means "must" ..... If it is not a must, I would, of course, entirely agree that the President has the power to make an adjustment, but according to the RoP, I think bills must have priority over motions, and this must be and should be done.

The second point is whether such an adjustment is truly necessary. Does it have any urgency and necessity? If it must be done and there is a necessity to do it, then it is impossible not to do it, right? Mr WONG Kwok-hing said very loudly earlier that this must be done, or else the Chief Executive elect would become a "loner commander", in that he would not be able to tackle the problem of property prices and the problem of poverty, and the trading of index futures would also be caught in problems and even funeral service would have problems, too. I am baffled by his remarks. I know that Mr WONG Kwok-hing does not take up office as a Member of this Council just today. Who is responsible for funeral service? It is currently under the charge of Dr York CHOW, and the post of this Director of Bureau will remain completely unchanged in future, just that the office bearer will be changed. If it is said that service delivery would be made impossible because of a change of the office bearer, that would again be baffling to me. So, this entirely has nothing to do with necessity.

To tackle the problem of property prices, it depends on whether or not land can be identified. Mr WONG Kwok-hing should not have made those remarks today unless he was not in Hong Kong in the past couple of days, or he had shut

his eyes and ears, refusing to see and hear anything. First, the bureaux with responsibilities in housing, planning and lands or the Development Bureau already have the powers and responsibilities to identify land and decide on the use of land; second, the Financial Secretary, Mr John TSANG, announced only a couple of days ago how 10 hectares or a hundred hectares of land can be identified for providing tens of thousand residential flats, and he further proposed ways to convert factory buildings into public housing estates. Then, the Chairman of the Urban Renewal Authority immediately announced the next day the acquisition of two old factory buildings which will be converted for residential use. So, even before 1 July, before the handover from the old government to the new, and before there is any change in the Policy Bureaux, all these have been and can be carried out. So, how can there be urgency? Why did Mr WONG Kwok-hing say just now that if this motion is not discussed now, all such work could not be carried out on 1 July? But the fact is that even if this motion is not discussed now, all the work is still being carried out and what is more, it is carried out openly before the eyes of all the people, and this is entirely what can be done. How can this be a matter of urgency and necessity or something that definitely must be done?

President, what I consider more disagreeable is the view that if the reorganization cannot come into effect, a "loner commander" would be resulted — President, I am not sure about what it means, and like what ordinary people think, I guess "loner" means "one person", "one-man band". Is that so? If the motion is not discussed and passed, the old system will remain. What is the old system? It consists of a Chief Executive, three Secretaries of Departments and 12 Directors of Bureaux, and could this be considered anything like a "loner"? Why would there be a "loner commander"? I would have never expected that such an experienced Member would make those remarks, including the examples that he cited.

President, what I have said is that apart from the point of procedural justice in relation to the RoP, the second point is whether it is pressing to do so, but I really do not see any pressing need at all. Third, is there any controversy over this issue? As I said in the Finance Committee and the Panel on Housing, I can support the creation of the new bureaux, because with regard to the proposal of creating two new Policy Bureaux, similar proposals were made in the primary election of pan-democrats for the Chief Executive Election. Even though the details are different, I still hold that the proposal should be given the green light



first and of course, it is still necessary to debate the details. However, the addition of two Deputy Secretaries of Departments will actually create an additional tier. Of course, people may say that the Secretaries of Departments and the Deputy Secretaries of Departments are perhaps even on the same tier but in that case, it would turn out to be a "balcony" that may even be "unauthorized building works". As this will bring about changes in the system, discussion, debate, and consultation are warranted.

How can it be handled if discussion is not completed? I made a suggestion the other day — it should be two or three weeks ago when I pointed it out in radio and television programmes. The Civic Party has also made a similar proposal. Can the proposal be split into parts for tabling to the Legislative Council? The less controversial proposal on the creation of Policy Bureaux can be dealt with first, while that relating to the two Deputy Secretaries of Departments can be discussed at a later time, and this will not affect the operation of the Government at all. In saying that its operation will not be affected, I mean for work under their control or certain work or long-term work carried out in collaboration with various Policy Bureaux, the effects of doing such work today or doing it three months or six months later will make little difference from immediately doing it now. It is most important for the proposal to be convincing, so that things will go on more smoothly for the Deputy Secretaries of Departments when they sit here in future; and if we are not convinced, there would be pent-up grievances, and perhaps when the Deputy Secretaries of Departments are in this Chamber in future, I may argue with them a bit longer.

Moreover, when a Director of Bureau assumes office, his bureau has to be responsible for taking forward the vision, platform, policies, and enforcement approaches. The Director of Bureau should fully have the conditions and powers to do such things. Why can this not be handled with a bit more flexibility?

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): A point of order. Head count.

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down. I have accepted the views of Members, and let me now tell you clearly the procedure that you should follow when you point out that a quorum is lacking.

You can raise your hand, and after I have called on you to speak, you can point out that a quorum is lacking under Rule 17 of the RoP, or you can stand up, just as you did just now, and after I have asked you whether you have a point of order, you can point out that a quorum is lacking but please do not just stand up as you like and say "headcount", because this is not in order.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I hope that you can count the number of Members in this Chamber in accordance with the RoP to ascertain whether it meets the requirement of the rules of meeting.

President, your discerning view is much appreciated.

(Mr WONG Kwok-kin stood up)

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin, what is your point?

**MR WONG KWOK-KIN** (in Cantonese): President, a point of order. Just now Mr LEUNG Kwok-hung was absent from the Chamber. I had waited until he returned, so that he will not say that I speak badly of him behind his back.

President, I wish to lodge a complaint to you. Earlier on when the meeting was in progress, he always made weird noises in his seat, and he laughed loudly and interrupted other Members. I wonder if you could hear it. President, I hope that you can make a ruling. When other Members speak in this Chamber, should he give a response loudly or laugh loudly in his seat? This is disrespect to the meeting. President, I would like you to make a ruling.

**PRESIDENT** (in Cantonese): The RoP stipulates that when Members speak, other Members should not interrupt or speak loudly in their seats. I did not hear it earlier on, but I must remind Mr LEUNG Kwok-hung who is now hiding behind the placard not to do it. Otherwise, if he continues to do it after repeated reminders from me, I may have to rule that he has behaved in a grossly disorderly manner.

A Member has pointed out that a quorum is lacking in the Chamber.

Will the Clerk please ring the bell to summon Members back to the Chamber.

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

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, please continue.

**MR FREDERICK FUNG** (in Cantonese): President, as my speech was interrupted just now, I think I would have to repeat some of the points already made. I entirely take exception to the arguments of Mr WONG Kwok-hing who said that the relevant work must be completed before 1 July and therefore, this motion has to be discussed or passed today. Firstly, he was wrong in saying that if this motion was not passed, the Chief Executive elect would become a "loner commander". This is wrong, because if the motion is not passed, those who will be swearing in on 1 July actually include our Chief Executive plus the three Secretaries of Departments and 12 Directors of Bureaux under the old system. Secondly, he was wrong in saying that if the motion was not passed, there would be problems in respect of property prices and public housing. This is wrong, because as we can note from recent news reports, Financial Secretary John TSANG has told us how land can be identified and how factory buildings can be converted, and on the next day, Chairman Barry CHEUNG of the Urban Renewal Authority immediately announced how two old factory buildings will be acquired for the development of residential housing. Thirdly, he was wrong in saying that even funeral homes and columbariums would have problems too. This is wrong, because the Food and Health Bureau is responsible for following up this area of work, and even if the resolution is not passed, this area of work will remain under the ambit of the Food and Health Bureau in future. I question Mr

WONG Kwok-hing's intention in advancing those fallacious arguments, policies and practices which, I think, is purely to defend the Government and to dab cosmetics on the new Chief Executive.

President, I think this really will not affect the SAR Government after 1 July; nor will it affect LEUNG Chun-ying's Administration. As I said earlier on, the problem is that I personally have strong views on Deputy Secretaries of Departments, and I think it is necessary to discuss in detail whether the posts of Deputy Secretaries of Departments should be created.

Besides, I take exception to the remarks made earlier by Members in support of this motion proposed by the Chief Secretary for Administration, who also made a comparison with filibuster. Filibuster and this motion are different. Filibuster is allowed procedurally. It is permitted by us procedurally, meaning that it is in line with the procedures and rules. But if the Chief Secretary for Administration is allowed to advance the discussion on this resolution, I think firstly, this would run counter to the word "shall" in Rule 18 of the RoP which sets out the order of business, as "shall" means "must". Secondly, two outstanding government bills remain pending our deliberation, one of which is related to the Mandatory Provident Fund System, whereas the other concerns privacy. These two bills should be passed before the motion proposed by the Chief Secretary today. I do not think that the legislative procedures of these two bills should be deferred, or else their legislative procedures cannot even be completed. If we compare the consequences of not completing this motion and those of not completing deliberations on these two bills, I think the consequences will be more serious if we cannot complete the deliberations on both bills or either one of them, because it means that everything will have to start all over again.

President, I still have one point to make. I do not support filibuster, and I already said that I do not support filibuster the first day when Members started it. In the course of filibustering, I would put forward views that I might have on certain motions or amendments, but we cannot take Members to task for filibustering. However, I must take the Chief Secretary to task for proposing this motion today because he should know that this is not in line with our RoP. President, you have made a ruling, and you are our President and our gatekeeper, and of course, you have your position and attitude, but if you allow the order of

business at this meeting to be swapped, I think it is against the word "shall" in Rule 18 of the RoP.

President, we are all human beings, not machines. It is easy for human beings to be influenced by other people, or by people related to them, or even by powers that be. As you are familiar with certain people, will you be easily affected by their lobbying? With regard to the issues and misgivings that I have just raised, I hope the President can explain them in greater detail later.

President, I think it is necessary for us to discuss the urban development or restructuring of Hong Kong, and we also have to face and handle many problems. This, I fully agree. But it is also necessary for us to talk about the rule of law, procedures and justice. If this motion is passed today, I personally think that it will amount to procedural injustice. I think this is a straitjacket imposed on us by the executive authorities by making use of its majority support in this Council. This has completely damaged our established RoP and conduct of proceedings. This will adversely affect the views of other people on the Legislative Council in future and even set a precedent, a very bad precedent.

LEUNG Chun-ying will become the Chief Executive after he assumed office, and he will be enjoying a prestigious status and strong powers. He should go by the procedures of this Council, respect this Council, and observe the rules of this Council. I wonder if he was taught, instructed or advised by anybody to take this step. If it was the current-term Government that advised him to do so, and Chief Secretary, if you, being one of the gatekeepers, proposed this as a matter of administration in a bid to instruct the legislature how it should do its work, that would be unacceptable and intolerable.

President, it is proposed that this motion should be given priority. To me, it is a motion of principle and involves a value judgment. On the other hand, it involves the relationship between the executive and the legislature and concerns whether the executive respects the RoP drawn up by the legislature, and there is nothing to do with whether we are the opposition or the pan-democratic camp.

President, I know that if a vote is really taken, we may not be able to overturn this motion proposed by the Government, but I must say this to colleagues in the pro-establishment camp: When you sit in this Chamber today,

you are Members of the Legislative Council. The behaviour, acts and language of every one of us today will set precedents for the future and become a political culture of this Chamber or Council. Certain political culture should not be encouraged and even unacceptable, but for certain political culture, we must firmly uphold it and insist on it.

Today, we must firmly uphold our RoP, procedures and justice. President, I do not support and I do not accept this motion proposed by the Chief Secretary. President, as you are the gatekeeper with the greatest powers in this Council, I hope you can guard the gate with us together.

**PRESIDENT** (in Cantonese): As Members all know, I will not debate my rulings with Members in this Chamber. But what Mr Frederick FUNG said just now seems to reflect that Mr FUNG is not clear about the contents of this motion. Therefore, I wish to again explain the facts, even though I have already explained them twice.

Mr FUNG has repeatedly mentioned Rule 18 of the RoP, and he was right in saying that Rule 18 of the RoP does not allow us to deal with motions ahead of bills at a meeting. The Chief Secretary for Administration is not moving a motion to the effect that we do not follow this rule in conducting the meeting. If Mr FUNG has listened carefully, he should know that the Chief Secretary for Administration has moved a motion under Rule 91 of the RoP to suspend Rule 18 of the RoP. Rule 91 of the RoP allows Members or public officers attending the meeting to move a motion to suspend a rule. Mr FUNG, it is not true that we have seldom done this before and particularly at the Committee stage, due to the procedures of deliberations or in order to facilitate debates, if we are unable to scrutinize the provisions strictly in accordance with the order of business according to the RoP, for instance, if the schedule has to be scrutinized before the provisions, a Member or public officer will move a motion to suspend a rule of the RoP. Therefore, the suspension of Rule 18 of the RoP is not unheard of or without precedents.

Furthermore, what we are doing now is to let Members hold a debate before they will vote for or against the motion moved by the Chief Secretary for Administration to suspend Rule 18 of the RoP. If the voting result indicates that

Rule 18 of the RoP cannot be suspended, what Mr FUNG has just said would be correct. If Rule 18 of the RoP remains effective, we absolutely cannot proceed to deal with motions before dealing with bills. So, I wish to make it clear to Members that we are now debating the motion moved by the Chief Secretary for Administration under Rule 91 of the RoP to suspend Rule 18 of the RoP.

(Mr Frederick FUNG stood up)

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, what is your point?

**MR FREDERICK FUNG** (in Cantonese): I think your remarks just now reflect that you have misunderstood what I meant. May I make a clarification?

What I meant is that today's motion involves two issues: firstly, procedural matters; and secondly, the content. The examples concerning provisions and schedules cited by the President just now belong to technical or procedural matters, which are related to changes in the order of business. The reason of moving today's motion is to give priority to the resolution concerning the reorganization proposal involving five Secretaries of Departments and 14 Directors of Bureaux. Instead of a procedural requirement, it is a requisite due to the content. In my opinion, it is unreasonable that the requisite due to the content should override Rule 18 of the RoP.

**PRESIDENT** (in Cantonese): Very good. So, Mr FUNG, you have every reason to believe your own views. That being the case, you certainly have good reasons to oppose this motion.

**MR RONNY TONG** (in Cantonese): President, I speak against this motion. But meanwhile, I have to express my personal discontent with you, President, my discontent with the Government, as well as my discontent with LEUNG Chun-ying.

President, you have indeed made a ruling today. According to your ruling, the Chief Secretary for Administration is allowed to move a motion in order to suspend a Rule of the RoP without giving sufficient notice. This is the ruling you made by exercising your power. Under any legislation, any power which empowers a person to bypass an ordinance and requirement is not absolutely .....

**PRESIDENT** (in Cantonese): Mr TONG, I have to stop you. As I have made a ruling, Members should not raise objections to my ruling at the meeting. Should you have any views, you can raise them on other occasions.

**MR RONNY TONG** (in Cantonese): President, I think this is unfair, because I .....

**PRESIDENT** (in Cantonese): I have made a ruling already.

**MR RONNY TONG** (in Cantonese): ..... oppose this motion ..... President, could you let me speak first?

**PRESIDENT** (in Cantonese): You may oppose this motion, but please do not express your views on my ruling at the meeting.

**MR RONNY TONG** (in Cantonese): I think on this occasion of debate, we should discuss whether this is in order in terms of procedural justice. Under such circumstance, we have the right to express our personal opinions, and I am not asking you to withdraw your ruling .....

**PRESIDENT** (in Cantonese): Mr TONG, I insist on my view that you should not raise objection to my ruling in your speech. Under Rule 91 of the RoP, I am authorized to permit the Chief Secretary for Administration to propose this motion and I have already made a ruling.



**MR RONNY TONG** (in Cantonese): President, when we oppose this motion, we have to state the grounds for objection. While opposing this motion, we have to point out that under whatever legislation, there should be sufficient and compelling reasons for anyone to bypass the provisions of the legislation.

The power conferred by Rule 91 of the RoP can only be exercised under uncontroversial circumstances, circumstances where there is a need to make a reshuffle in the order of business which will not give rise to other consequences, or circumstances in which the community is confronted by a very important decision, or circumstances in which it will cause an enormous impact if certain rules are not suspended. Only under such circumstances can such rules be bypassed. If the rules can easily be bypassed, I believe the rules are not worthy of respect and it is a great disrespect to this Council.

What issue are we discussing? It is to allow the next-term Chief Executive to bypass the normal parliamentary procedures and pass the resolution which he wants passed. The question of whether this resolution must be passed or discussed in this Council today is precisely the crux of our debate at this very moment.

President, your predecessor or our former President has also said publicly that if Mr LEUNG Chun-ying cannot take a group photo with the so-called "whole team" of the Government on 1 July, it will be a case of losing face. As our former President holds such a view, I am absolutely convinced that many Hong Kong people share the same view. The question remains: Should we bypass our long-respected procedures because someone is losing face? This is the focus of today's discussion.

Mr WONG Kwok-hing spoke at length earlier, but I believe no colleague sitting on this side will concur with him. He said the people are now suffering. However, the people suffer because of policy blunders rather than a handicapped ruling team. If the ruling team is really handicapped, it has been handicapped for 15 years. What is the problem if it remains handicapped for another 15 days? If we cannot do anything in the absence of the five Secretaries of Departments and 14 Directors of Bureaux; if the presence of the five Secretaries of Departments and 14 Directors of Bureaux will enable us to solve all problems in Hong Kong including the wealth gap, and the Gini coefficient dropping from

5.37 to three ..... sorry, from 0.537 to 0.3, then we may consider it necessary to bypass the procedures. But this is not the case in reality.

If any Members of the pro-establishment camp are bold enough to rise and claim that if the ruling team of five Secretaries of Departments and 14 Directors of Bureaux cannot be formed on 1 July, it will give rise to consequences I said just now, then I would be the first one to resign from office. I am no longer needed in this legislature because all problems have been solved. What is the purpose of staying in this Council? But this is not true.

Did anyone tell us, in the past dozens of hours of debate, the reasons why some unacceptable consequences to society would arise if the scrutiny of the Government's reorganization proposal could not be finished before 1 July? Who can mention any during these dozens of hours of debate? No, absolutely not. Therefore, please do not rise to say in a hypocritical manner that the people will suffer and the Government will be handicapped if the reorganization proposal is voted down. Please do not lie with your eyes wide open.

President, neither do I think the Chief Secretary for Administration should move this motion. What is his responsibility? His responsibility is to work for the well-being of the people of Hong Kong rather than serving as a rubber stamp or forcing the Legislative Council to serve as a rubber-stamp. He should make his own decision and assess whether this reorganization proposal is so urgently needed that Hong Kong as a whole will collapse if the scrutiny cannot be finished in a few days. If this is the case, he has the responsibility to point this out. Otherwise, the dignity of the Legislative Council will be downgraded by 10 grades.

Neither should Mr LEUNG Chun-ying instruct him to propose this motion. As I said earlier, his starting point is the consideration of losing face rather than the problem of Hong Kong society's interest being jeopardized right away. Honestly, the proposal will lead to the recruitment of many officials, who have to familiarize themselves with the situation by working for a year or so before knowing the ins and outs of all matters. What a big deal if they have to wait for 10-odd days more?

Furthermore, the Secretary has also pointed out that he has to do so because procedures were disrupted and dragged in the past. I concur. Concerning what

happened in the past few weeks, I do not fully agree. But I remain steadfast in that you and your colleagues have to understand why some members of the pan-democratic camp will adopt such an attitude. It is because they have no alternative. It is because this parliamentary system is most unbearable and heavily tilted. Please do not forget that those who resort to filibustering also know that they will not be successful in the end as proven by the fact we can see now. But why do they continue to do so? Because this is the only way to demonstrate the injustice of this Council. As Mr Andrew CHENG said, practices such as "foul play", jumping the queue, and demeaning the dignity of society in order to save face, will only worsen the tilted situation or the unfairness of the system. It will reinforce the determination of those who have resorted to filibustering.

To my understanding, during the enactment of the Basic Law, it was categorically pointed out in plenty of propaganda publications that this Council would serve as checks and balances on the Government. Today, what checks and balances do we have? How can we implement the basic idea of checks and balances originally provided for in the Basic Law if the Government tries to bulldoze through the proposal in a high-handed manner, thinking that it has secured enough votes, the President has the power to grant approval and it can pay no heed to any rule? If we cannot, the only thing we can do is express our strong dissatisfaction in this Council.

President, even though some Members have resorted to filibustering, I believe you also know that the Secretariat has submitted a timetable, showing all the matters on the Agenda that we can complete before the end of the current term. Regarding the Government's resolution on reorganization, the Secretariat has reserved 30 hours for it on the Agenda. And 30 hours should be sufficient as each Member can only speak once. Even if more than 100 motions have been proposed, it will only take 10-odd hours for voting. So, what is the urgency of it? Why should we pay such a heavy price of sweeping this Council's dignity under the carpet? Just for a nice photo. Please examine your conscience and ask yourselves what benefit will be brought to Hong Kong in doing so.

**DR MARGARET NG** (in Cantonese): President, the question of today's debate is the suspension of the relevant rule under the Rules of Procedure (RoP). What is the function of the RoP? It is for manifesting procedural justice. Apart from

setting out the motions or issues to be discussed in accordance with the RoP and giving notice in advance in order to allow sufficient time for a thorough debate, we as Members should prepare for the debate and speak in an orderly manner because our debates, which will be put on record, must be sensible and full of substance. Today's record of proceeding will become tomorrow's history. We need to set the record straight in history, instead of simply indicating what should or should not be done, or a motion is passed or negatived. We have to ask the reason why. Why are some motions passed? Why are some negatived? Why are queries raised on this and amendments put to that?

President, if we as Members fail to select the salient points from a research of complicated issues and put them on record so as to set the record straight in history, what is the purpose of our role? Would it be like flowing water leaving no trace? So, full preparation is really needed for today's debate on such a major issue. It is really essential.

During our discussion on "suspension of Rules" under Rule 91 of the RoP in the House Committee, some Members asked, "What is the use of the RoP if it can be suspended?" This is a good question. However, as the President explained just now, sometimes this is allowed for uncontroversial issues as we did in the past. However, is there any precedent in which the RoP was suspended for such an important issue? I have not found any similar request submitted in the past.

President, today's motion actually seeks to suspend the relevant rule of the RoP without prior notice so that the resolution relating to the reorganization (involving the five Secretaries of Departments and 14 Directors of Bureaux) can "jump the queue" and be given first priority. This is another type of closure motion. The Government has even requested us to pass it immediately. Does this Council concur or not? The answer is loud and clear, is it not? Are there any other viable answers? President, compared with the situation where a motion is proposed with written notice, it is even more dreadful to be a situation where a motion is proposed without prior notice. Even though we have always paid close attention to the Agenda, we would not have the opportunity to raise questions immediately and got a 24-hour notice if not because of the President's slip. In that case, we would be caught by surprise at seeing this motion, which will be followed by the resolution relating to the five Secretaries of Departments and 14 Directors of Bureaux, when we come back to this Council today. Do you

think that such an approach is becoming of the status of the SAR Government? You and your colleagues have criticized those Members who have resorted to filibustering for their foul language and coarse manner. But these Members, who have spoken in a coarse manner and even foul language, are even cleaner than you. In the past when the Government wanted to make unexpected moves, it would alert Members and explain that it would be forced to take certain action if we adhered to our stance. At least some respect was shown to us. Today, why has this Council sunk to such a low level? It is precisely because someone is willing to be "co-operative".

President, what are the issues to be discussed today? As Mr Ronny TONG said, we should not deal with the issue of suspending the RoP lightly. Rather, we have to consider factors such as the justifications, purpose, necessity, and the price to be paid by Hong Kong society and the general public if the RoP is not suspended.

Today, the Government, without giving prior notice, requests that the relevant rule of the RoP be suspended, to be followed by the debate and passage of the resolution relating to the five Secretaries of Departments and 14 Directors of Bureaux. However, the reorganization proposal is highly controversial and completely different from the institutional reform in 2007.

First of all, the Head of the Chief Executive elect's Office has admitted that the proposal aims at expanding the accountability system. However, a lot of doubts relating to the accountability system remain unresolved, not to mention the queries surrounding the creation of two additional posts of Deputy Secretary of Department as this involves not only the transfer of functions or statutory powers, but also a major change in the political system. Some Members hold that it is improper to create the posts of Deputy Secretary of Department when there is no legal provision stipulating it. They consider legislation essential. Although I may not concur with their views, they have the right to discuss the need or otherwise. When discharging their duties, Members should be given room for discussion.

President, this is not a stand-alone motion. It is bundled up with some financial arrangement like the two sides of the same coin. If the funding proposal is not passed by the Finance Committee, the Government can neither create the additional posts of Deputy Secretary of Department nor revamp the

establishment so as to transfer the duties or titles of the incumbent officials to others. Therefore, a conflict may arise if this motion is passed while the relevant funding proposal is negated by the Finance Committee.

So, when scrutinizing this resolution, we should not consider only the Finance Committee's funding proposal but also all proposals put forward by it. Why should we? It is because the relevant funding would not be used right away even if the financial arrangement has been approved. But a resolution carrying legal effect, once passed, will come into operation immediately. At present, the Finance Committee has yet to finish its scrutiny of the funding proposal, not to mention the fact that there are still many controversies. Before the Finance Committee has made any decision, it is indeed not suitable for us to pass this resolution, particularly the proposal to create any additional posts of Deputy Secretary of Department. Do you know why the Deputy Secretaries of Departments shall have the statutory power? They shall have the statutory power simply because the Finance Committee has passed a resolution to set up these public offices and the holders of which are remunerated by public funding. These two issues are, in fact, interrelated. How can we pass this resolution before the other?

President, let us take one step back. Can you imagine if we are unable to pass this resolution for the time being or even before 1 July? The most direct consequence will be no transfer of powers. But is the transfer of powers so urgent? President, we need only take a look at the papers issued by the relevant subcommittees, papers prepared to facilitate Members. According to the Government, the transfer of powers is only a technical issue. For example, the Secretary for Transport and Housing is currently performing certain functions pursuant to some ordinances. As a Secretary for Housing, Planning and Lands will be created to replace the current one mentioned above, what the Government needs to do is to change the title in the provisions.

Let us take a look at these Schedules, but I am not asking Members to refer to the legal provisions. What are they? The Government said they were technical provisions. It is the Government's point of view! Take the transfer of functions with regard to the Transport and Housing Bureau as an example. Some of the functions that need to be transferred are related to the Kowloon-Canton Railway Corporation Regulations (the Regulations). Functions to be transferred include "the power to confirm, vary or amend the terms of requirements contained in notices made under the regulations" and "the

Corporation should submit written explanation to the Secretary for any failure to comply with certain requirements of the regulations". They are powers that need not be exercised yet! President, these papers are all about the same thing. Where is the urgency?

President, I have also noticed that the authorities have added an amendment to the existing resolution to change the effective date. We asked right at the beginning: What should we do if the Finance Committee is unable to pass the funding proposal before 1 July while this Council, on the other hand, has passed the resolution? Why do we have to urgently pass the resolution before 1 July? The Government itself has proved that there is basically no urgency because they, too, have amended the date of 1 July.

If the Government thinks that it is very urgent, then we must pass the resolution at once. However reluctant, we have to suspend the relevant rule of the RoP. At least it is worthy of our consideration. But it is simply not the case.

President, I saw Chief Secretary Stephen LAM carrying a spasm of sadness on his face today. Neither do I want to see anyone questioning whether Chief Secretary Stephen LAM is deceiving people. Last night, when I learnt that there would be a sudden change today, I was watching Chief Secretary Stephen LAM hosting a tea reception on the television. It was a heart-warming scene. He said that the sky would not collapse even if the resolution regarding five Secretaries of Departments and 14 Directors of Bureaux was negated because he had "two strings to his bow". What does he mean by "having two strings to his bow"? President, he meant "swearing in office with the same old cast". In fact, it is not the case. Feigning action in one place while making the real move in another, he has secretly prepared all documents for springing a surprise attack. Mr LAM, as an official appointed by the "imperial court", do you think that it is becoming of your status?

What are we currently debating? We are debating a "queue-jumping" resolution. President, you may perhaps recall that right at the initial stage of filibustering, I raised the matter with you and discussed it with the Secretariat. I said I was very worried that the filibustering would affect the schedule, causing some resolutions unable to pass, including the one on legal aid. If we could pass the resolution on legal aid, more people would benefit from it. Because of this

belief, the Legislative Council has been working very hard on it for years. At that time, the Secretariat advised us that it was necessary to invoke Rule 91 of the RoP to suspend the RoP in order to scrutinize the resolution on legal aid before other business. However, only the Government has the power to do so. After discussion, the Government at that time refused to propose this arrangement to the President. In other words, even if we passed the resolution on legal aid at a later stage, no funding could be obtained within this year. As a result, the resolution can hardly be implemented within our current term of office. The subsidiary legislation can neither be passed within this term of office, which means that timely discussion is not possible until the end of the year. Why are you so reluctant to request a suspension of the RoP for a resolution which is beneficial to the general public and protects their rights in law? But for the sake of saving LEUNG Chun-ying's face, you are willing to request a suspension of the RoP without any prior notice. Is it for the decency's sake of LEUNG Chun-ying? How can it be?

President, I am correct. When the Chief Secretary rose and delivered his speech, he began by saying that today's resolution was to cope with the Chief Executive elect. He supplemented that notice was given on 7 May. All along, the Head of the Chief Executive elect's Office has only told us that this structural reorganization proposal is the same as the one in 2007. Actually, this proposal differs greatly from the proposal in 2007. If only prior notice is suffice to suspend discussion on any other issues, then prior notices of the First and Second Readings of many bills could have been given. When discussing resolutions, there used to be a silent convention between the executive and the legislature. If time was not enough for the Legislative Council to scrutinize it, the Government would withdraw the resolution even if it was submitted. The Government could also withhold the resolution and wait until we had the time to discuss it. The resolution regarding the appointment of senior judicial officers, which is subject to discussion later, is an example. Although the resolution is fully prepared, the Government still asked us whether it was necessary to set up a subcommittee for discussion. If a subcommittee is deemed necessary, the Government will withhold the resolution. This is the way we used to handle things. This is how the executive and the legislature co-operate with each other.

President, as I said at the beginning of my speech, the most important point is whether Members are given reasonable time to make preparations. We cannot assume that the motion can be scrutinized as scheduled simply because such an



arrangement is made on the Agenda. The Legislative Council also has its own conventions and practices. If there is nothing out of the ordinary, discussion will continue at the next meeting on any bill pending further examination. This is obviously a surprise attack, which I am deeply regretful of. Today, we see a wolf in sheep's skin, a wolf in wolf's skin and a sheep in wolf's skin. Thank you.

**MR LEUNG KWOK-HUNG** (in Cantonese): I implore you to accede to my request for a headcount in accordance with the RoP. Will the President please see this point.

**PRESIDENT** (in Cantonese): A quorum is not present in the Chamber. Will the Clerk please ring the bell to summon Members back to the Chamber.

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

**PRESIDENT** (in Cantonese): Mr CHEUNG Man-kwong, please.

**MR CHEUNG MAN-KWONG** (in Cantonese): President, the Legislative Council is requested today to suspend the RoP. According to the President, a ruling has been made, and it turns out to be just like a soccer match — a corrupt referee blows his whistle to allow the Government to play foul, the royalists to fix the game, and more people to dance in demonstration of their loyalty to "cleanse" their deeds or declare allegiance.

The ruling will eventually defend the Government in tabling before this Council a resolution which has not been endorsed by the Finance Committee, so that it can skip a grade or jump the queue to gatecrash the Legislative Council. It will also eventually enable LEUNG Chun-ying to appear before the Legislative Council in an air of arrogance and practise executive hegemony even before he takes office as Chief Executive. This is completely not in line with the call for seeking change while preserving stability and universal reconciliation. LEUNG Chun-ying is like a conqueror forcing his way through, treating the Legislative Council as the Government's dependent at his disposal.

According to Mr WONG Kwok-hing, if the reorganization resolution is not discussed today, the Government will be left with no other schedule, no road to retreat and no alternatives. He is simply talking nonsense in a bid to scare people to death. As a Chinese saying goes, "Why should the eunuch be more anxious than the emperor?" — in ancient times, an eunuch was regarded as a lackey — so, why should the lackey be more anxious than the Chief Executive? Why am I saying this? LEUNG Chun-ying said the day before yesterday that the reorganization has three possible timetables: According to the first timetable, the reorganization plan can be passed before 1 July. According to the second one, it can be passed before 18 July. According to the third one, it can be passed one year later after our review. This is the remark made by LEUNG Chun-ying. In other words, the sky will not collapse even if the reorganization plan cannot be passed before 1 July, because it might still be passed before 18 July, or one year later. The only small regret is that a group photograph of President HU and all accountability officials will be missing.

Despite the claim by the incumbent Government of ensuring a seamless transition to actively tie in with the structural reform, Stephen LAM stated that all accountability officials certainly could be seen in the swearing-in ceremony if the resolution could be passed before 1 July. However, the posts of the two Deputy Secretaries of Departments and two Directors of Bureaux could be left vacant if the plan could not be passed before 1 July. The conclusion is still a casual dismissal. What is the big deal? Will the sky really collapse?

Even if the plan cannot be discussed at the Council meeting on 20 June, it can still be discussed on 27 June, and if it is impossible to do so, it can still be discussed before 18 July. Will the sky really collapse? Mr WONG Kwok-him also added that if the proposal on five Secretaries of Departments and 14 Directors of Bureaux is not passed, LEUNG Chun-ying will become a "loner commander (光棍司令)". Furthermore, a swindler can be called a "光棍", too.

Even now, we still have three Secretaries of Departments and 12 Directors of Bureaux functioning. The quality of work boils down to the office bearers and policy. It does not mean that with the addition of two Deputy Secretaries of Departments and two Directors of Bureaux, the Government will know how to fly. This is common sense, the ABCs of politics.

Even now, more than 160 000 diligent civil servants are still serving Hong Kong under the three Secretaries of Departments and 12 Directors of Bureaux. This resolution does not add anything to serve Hong Kong, only that the transfer of the authority of Bureau Directors can be effected. With the passage of this resolution, why will civil servants receive divine assistance, why can the Government demonstrate invincible strength, and why can the public enjoy happiness after suffering, as if they finally see the light at the end of the tunnel?

Nonetheless, the revamp of the Government structure should not be decided by LEUNG Chun-ying alone. Did he not say that he will reach out to the communities with a stool and a pen in his hand to listen to public opinion? What does public opinion think? An excellent survey conducted by the *South China Morning Post* today reveals that the ratio of people opposing and supporting the reorganization is 29:21, with the opponents outnumbering the supporters. It shows that the reorganization issue is highly controversial. It also shows that what should preferably be done today is to review the accountability system rather than relying on continuous expansion of this seriously flawed system as the only solution. Doing so is putting the cart before the horse without regard to public opinion.

What do the people wish to review? The first thing to be reviewed is why the governance of Hong Kong has continued to deteriorate, despite the spending of \$1.9 billion in public funds on the decade-old accountability system. The greater the accountability, the more officials found to be irresponsible; the more officials found to be irresponsible, the more the government structure is expanded: The Government structure has turned from three Secretaries of Departments and 11 Directors of Bureaux to three Secretaries of Departments and 12 Directors of Bureaux and, with the addition of Under Secretaries and Political Assistants, further to five Secretaries of Departments and 14 Directors of Bureaux. Is it not big enough? What do people wish to review? They wish to review why the decade-old accountability system could have nurtured such a corrupt government with a corrupt Chief Executive and a former principal official under investigation. Is it because the existing accountability system is not doing enough insofar as government officials, especially the employment of departed officials and deferred rewards, are concerned, thus rendering the Government without any control? Or is it because the "revolving door" is turning too quickly that deferred rewards can be enjoyed instantly, hence senior officials are given luxury flats immediately upon their retirement? Should all this be reviewed?

Should all this be written into the code for accountable officials? However, have Members read the revised version of the code? Will Members agree to endorse it even if the Government cannot produce it? Should Members be anxious for the Government? Do Members want to be eunuchs or lackeys?

Why should the decade-old accountability system be reviewed? As I pointed out just now, the governance of the Government is already in a mess. Moreover, its order and discipline are corrupt, with corruption spreading downward from the upper level. Furthermore, senior officials in Hong Kong are catching up with those in the United States and surpassing those in the United Kingdom in terms of remuneration. Even the remunerations of Under Secretaries are higher than that of the British Prime Minister. Earlier, the remunerations of Political Assistants were found to be on a par with that of the French President. Do they worth it? Is it not necessary for change to be made? Hence, a review is warranted.

How about LEUNG Chun-ying? His team designate has inherited a much criticized and negligent system. The more it is criticized, the more it is expanded. Is this in order? Do we have to hurry? Is he "sensing people's urgency"? Hence, the third option should be the way out, that is, conducting a review before making a decision. This option is not imposed on him forcibly; it was one of the three ways out mentioned by LEUNG Chun-ying during an interview. Will the sky really collapse if the resolution is not dealt with today by jumping the queue? Why should he be seen as a "loner commander"? How can this be regarded as having no way to retreat?

Furthermore, during the scrutiny of the resolution and finance documents, the legal status of the two Deputy Secretaries of Departments and two Directors of Bureaux can still not be established. While the Finance Committee is required to give approval for the creation of the posts, the Chief Executive is required to issue an order after the creation of the posts before the Deputy Secretaries of Departments and two Directors of Bureaux can become public officers with a statutory status and the transfer of powers be effected as per the resolution today. Otherwise, the powers belonging to A will be transferred to an invisible and non-existent post B. Why? What will be transferred? You know not what you do.

Even if the proposal is passed, the finance documents are still kept from the accountability officials. Despite the public criticism of the accountability system in the past, no one knows when public aspirations can be realized. The Government has only told us that a review will be conducted two years later. Has anyone seen the Government's review? It was said that the high remunerations of the Under Secretaries and Political Assistants would be reviewed two years later. Nevertheless, their remunerations remain unchanged after the review. Do Members believe in the review? The Government is even worse than Thomas.

Hence, the Government is "playing foul" today. Not only is the reorganization not necessarily essential, it is also not urgent. Instead, a review should be conducted. To expand the government structure before review is tantamount to putting the cart before the horse. Why will the Government do so? Mrs FAN strikes home the message that LEUNG Chun-ying is doing so to save face, and to give HU Jintao an impression that he is strong enough to gatecrash the Legislative Council and call on the President of the Legislative Council and the royalists to collude with him (狼狽為奸) in putting on a spectacular show. If LEUNG Chun-ying is branded as a wolf (狼), can the royalists and the President be regarded as boars (猓)?

Nevertheless, the quality of government officials, not a dead structure, is the key to truly saving face. How many quality officials are willing to join LEUNG Chun-ying's Administration? How many quality officials are willing to become his subordinates? How many discarded old batteries are recycled? The only thing they are most enthusiastic to do is to have an hour-long meal without saying anything.

As the saying goes, a new official is always full of initiatives. Nevertheless, this is not the Chief Executive is supposed to do. Neither should he trample on the RoP of the Legislative Council. Have Members visited the History Promenade of the Legislative Council? We can see in the History Promenade that, after Chris PATTEN, the Legislative Council has since John Joseph SWAINE and Andrew WONG headed towards independence and separation of powers. Will Members please take a look at the plate nailed in the History Promenade. Today, can the Legislative Council and its President honour the separation of powers taken forward by a departed colonial official?

What we fear today is not a wolf but a sheep, because the latter is in the skin of a wolf. It pretends to be a sheep, but actually it is a wolf that will infringe on the Legislative Council and undermine the separation of powers (*The buzzer sounded*) ..... hence this has to be written in history to express extreme regrets, for the record.

**PRESIDENT** (in Cantonese): Mr CHEUNG, your speaking time is up.

**MR CHIM PUI-CHUNG** (in Cantonese): President, the Legislative Council has only itself to blame for the state today, the farce of filibustering and cloture. President, there is no way for you to evade your responsibility in history, though I am not going to elaborate on what your responsibility is. Though you might have made great achievements, many people might have their own opinions, that is, those opinions expressed by the public outside which can simply not be blocked rather than the opinions discussed here in this Chamber. I hope your acts and deeds will be recognized by the public on 9 September, so that you will be re-elected smoothly and come back in the next term and become the President.

President, I feel very strange today. What is so strange? Are we discussing the current-term Government's wishes or the opinion of the next-term Government? This is a crucial point. I hope the Chief Secretary can say boldly in his reply later on. You might say, "Right, we are obligated and duty-bound to ensure a seamless handover to the next-term Government". However, this is merely your version of the story. The public wishes to know, and so have Legislative Council Members the right to know, whether this is the responsibility of the current-term Government or the expectation of the next-term Government. This is most crucial because my vote will be affected. Although one vote might not serve any purpose, but if it does, I will use my vote to influence a decision. Why? How can the current-term Government know the intention of the next-term Government? Is it the case that the next-term Government has entrusted the current-term Government to carry out reform? The next-term Chief Executive might not stick to the political views he held during the election. Certainly, the next-term Chief Executive might have during the process told the current-term Government to do according to his dictates. If we assist the current-term Government in passing the motion, but the next-term Government

indicates that it has no such intention and that the current-term Government was only being presumptuous, what can we do? The Legislative Council is a place for enacting laws.

President, we must understand the structure of power of the Legislative Council. The Legislative Council is certainly the most powerful, and the House Committee and the Finance Committee are in the second and the third places respectively. While the Finance Committee is still in the process of discussion and a decision has yet to be made, its power is taken away publicly by the Legislative Council. In other words, we do not have trust in the Finance Committee — President, your ruling is certainly smart. But what can your subsidiary or branch do if you do not have trust in them? The Chairman of the Finance Committee should have resigned immediately should she have a sense of shame and feelings. Certainly, after our debate and discussion, the motion might not be passed, but it is evident from their ideologies and behaviour that there is a lack of mutual respect among Members. What can we do? Hence, the Chairman of the Finance Committee should resign immediately. Otherwise, how can she perform and complete her work in future? She should not be held accountable because she is not respected. Basically, all her efforts are in vain.

President, another crucial point, as mentioned by Mr CHEUNG Man-kwong just now and frequently mentioned by me in this Council, is that separation of powers, regardless of whether it is good or bad, is still practiced to produce a mutual checking effect. In fact, the Legislative Council is the most powerful. Why? Because the Legislative Council is responsible for monitoring the operation of the Government. What is the point of being an Executive Council Member? To put it nicely, he is the Chief Executive's adviser. But to put it crudely, he is just an employee of the Chief Executive. Will the Chief Executive heed an Executive Council Member?

As Legislative Council Members, we will render support to the Government if it is doing the right thing. For the sake of public interest, we will definitely express our views. As our duty is to monitor the operation of the Government, we will support the Government if it is doing the right thing and raise objection if it is doing the wrong thing. Many people will be very pleased on hearing their appointment to the Executive Council. Should they really be pleased about the appointment? The truth is right under our noses. Several

Legislative Council Members were once Members of the Executive Council. Would they not understand that kind of feeling and pressure and the situation confronting them?

Hence, President, the motion proposed by the Chief Secretary today is actually a challenge to the Legislative Council. Is separation of powers still being practiced in Hong Kong? As I have pointed out repeatedly in this Council, it is the hope of the Central Government that everything is executive-led. Even DENG Xiaoping had said that reunification was merely a change in national flags, with everything remaining unchanged. What makes us think that we are able to fight?

I would like to congratulate Mr LEUNG Chun-ying for being able to secure the Chief Executive's seat in the Chief Executive Election. Why? It is because nothing has changed at all since Hong Kong's transition 15 years ago. We are still living in the British Hong Kong Government era, and the operation of Hong Kong at large is still controlled by the colonial mindset. The election of Mr LEUNG Chun-ying as the Chief Executive is a breakthrough, for he is given an opportunity to actualize and express himself. His remark on "the strength of showing affection for both the country and Hong Kong" is worth encouraging. However, will it be the same in future? I think only history can tell. President, this is the second point.

When it comes to the reorganization of the overall structure, I very much approve of it and hope to see good changes. As regards the number of posts or the creation of two posts of Deputy Secretaries of Departments, it is just a technical issue. I had asked Mrs LAW in the Finance Committee ..... in fact, we have never seen such representativeness and authoritativeness in Hong Kong as demonstrated by Mrs LAW this time around. Can the Head of the Chief Executive elect's Office possess such enormous powers? I do not think so. Being accountable to everything, she is even more brilliant than the future Chief Executive. As regards the entire government structure, we hope the new organization can do better and better and make improvement to areas previously found to be inadequate.

As Members should recall, since the Chief Executive (Mr Donald TSANG) took office, I have repeatedly criticized or warned him in this Council over his remark about "getting the job done". I have always said that the office of Chief



Executive is not a job. The office holder must have a sense of mission, dedication, honour and representativeness, prepared to serve the compatriots in Hong Kong on behalf of the People's Republic of China and work hard for the Central Authorities. Under the influence of the colonial mindset for decades, however, he has not changed at all. Now, we are given an opportunity to restructure and truly do better to perform our roles properly for Hong Kong people, Chinese people and the Central Government. This is the aspiration shared by members of the public. I am convinced that only a small fraction of people in Hong Kong oppose China and seek to stir up trouble in Hong Kong. There are many others who love China and Hong Kong. The recent turbulent developments in Hong Kong actually mirror the presence of variables due to changing circumstances on the Mainland. They simply have nothing to do with Hong Kong people.

As I mentioned earlier, I hope the entire SAR structure can seize this opportunity to do better. On a closer look, is it doing better? Not necessarily. They are actually aiming at separation of powers, seizing powers and evenly distributing influence, why? Let me cite the Financial Secretary as an example. Is the Financial Secretary not responsible for all financial affairs in Hong Kong? But strangely, many departments under the Financial Secretary have nothing at all to do with Hong Kong finances, so why should the Financial Secretary take charge of these departments? Why can a more direct and simplified arrangement not be made .....

**PRESIDENT** (in Cantonese): Mr CHIM, should you not wait until this Council discusses the relevant resolution to put forward these views?

**MR CHIM PUI-CHUNG** (in Cantonese): President, as I told you just now my voting preference will be influenced by the Government's response. Hence, my support for the Government depends on the Chief Secretary's response as to whether he represents the current-term Government or Mr LEUNG Chun-ying. This is most crucial. Now, the Government is allowed to "settle the bill" and admit what it has said or done. But if anything goes wrong, Mr LEUNG Chun-ying might not approve of the Chief Secretary's words, because he would then have already left the Government. Mr LEUNG might say, "Did he say so? I did not hear it. Neither did I authorize him to say that." This is a true

possibility, because you are wrong and he is right and he can never be wrong — this is based on my present observation of Mr LEUNG.

President, insofar as the new Government structure is concerned, after looking at it closely, I think identifying counterparts is most crucial. Let me cite an example. There is a representative of the sports, performing arts, culture and publication constituency in this Council. But in future, this Member has to approach the Home Affairs Bureau over sports matters, the Culture Bureau regarding cultural affairs and the Financial Secretary regarding broadcasting affairs concerning Radio Television Hong Kong, and so on. Does this mean that the Government structure has been enhanced? Or is the reorganization designed for the creation of new posts? Although the discussion is not yet over, I still hope the Government can give Members a clear account in its funding application.

President, you must understand that in the past, there were indeed some so-called pro-establishment Members who had pinned some sort of hope on all government policies. As these Members and the executive had the same purpose of working for the well-being of the public, it can be said that there was communication between them and people were confident that they would perform their tasks in concrete terms. However, President, we can note from history that the Government would take no notice of Members when enough votes had been secured — what is the point of lobbying Members when the Government has secured enough votes? The situation is the same now. When the laws are passed, the Legislative Council will be held accountable. We can know from the former securities-related *magnum opus*. At that time, did the Government not issue a post-dated cheque, saying it was doing so absolutely in the interest of the securities industry? What happened afterwards? With the emergence of so many problems, who was supposed to be accountable? Hence, political lobbying and mutual trust are most crucial. While all glory goes to the Government, the Legislative Council has to bear all the responsibility. It is a different issue if some colleagues receive other messages from other sources, I am not referring to suspicions about transfer of benefits, and so on, or some other channels, and so the political issues of concern to them can then be resolved. Otherwise, I expect the Government to give us a clear account on everything.

Deep inside, I have absolute support for the reorganization of the Government. I had once asked Mrs LAW a question in this Council regarding

the so-called Principal Officials — President, I still do not approve of the expression "Principal Officials". In my opinion, the Government should put aside the expression "Principal Officials" when serving members of the public. For convenience sake, however, the expression "Accountability System for Principal Officials" is used. When I asked Mrs LAW whether these so-called "Principal Officials" were accountable to the Chief Executive, Legislative Council Members or members of the public, she responded that these officials were accountable to the public. Nevertheless, I am still wondering: How can they be accountable to the public?

For instance, recently a Bureau Director has triggered a series of issues, including those about small houses. Moreover, she has once indicated that the Government will not sell land at dirt cheap prices. I find it very strange that none of the pan-democrats has said anything about not selling land at dirt cheap prices indirectly means that land will be sold at high prices. In other words, the Government is practising a high land price policy. The Bureau Director should be very sincere in giving her reply (*The buzzer sounded*) ..... Fine, President, I have talked too much. Time is up.

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, are you requesting a headcount?

**MR LEUNG KWOK-HUNG** (in Cantonese): President, will you please do a headcount in accordance with the RoP. The President is discerning.

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

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

**PRESIDENT** (in Cantonese): Mr LEE Cheuk-yan, please.

**MR LEE CHEUK-YAN** (in Cantonese): President, today is a heartrending day for the Legislative Council. I have no idea what is on the President's mind. Why would you allow such things to happen? Why would you allow the Administration to "jump the queue" and "play foul", and even co-operate with it in doing so? Nonetheless, President, you had made an attempt to invoke Rule 92 of the RoP to induce "cloture" forcibly and resort to sophistry by citing examples of overseas parliamentary assemblies to put an end to the debate.

What is invoked today is Rule 91, not Rule 92. But coincidentally, they are very similar. Rule 91 stipulates: "A motion which has the object or effect of suspending a Rule shall not be moved except after notice or with the consent of the President". Obviously, no notice was given this time around, and so the consent of the President must be sought. But why did you give consent to it? Why did you allow the Administration to treat this Council as .....

**PRESIDENT** (in Cantonese): Mr LEE, just now, I already stated clearly the reasons for giving consent to the Chief Secretary to propose this motion. I also stated that since I had already made a ruling, Members were requested not to discuss it again in this Chamber.

**MR LEE CHEUK-YAN** (in Cantonese): Yes, President, I have no intention to discuss your ruling, I just want .....

**PRESIDENT** (in Cantonese): It has nothing to do with whether or not you want to do so. I request you not to discuss my ruling.

**MR LEE CHEUK-YAN** (in Cantonese): ..... Yes, but I wish to understand what is deep down in your heart. What are you thinking deep down in your heart? You certainly have made a ruling. Although I have no intention to discuss your ruling again, I still wish to ask: What is going on in your mind? When you write your memoirs in future, what will you say about today? Why

would you allow the Administration to "jump the queue" in this manner? In fact, what the Administration is doing today is to "jump the queue" and "play foul", forcing you to complement its effort. As a result, the Legislative Council has been driven to such a state to be manipulated by the Administration at its disposal. Where is the dignity of the Legislative Council, President? The Legislative Council allows itself to be manipulated by the Administration at will. Hence, I find it very heartrending to see the reckless and presumptuous acts of the Administration as well as its act to forcibly make the reorganization proposal to "jump the queue". Why would we appear to be so helpless?

Certainly, it can be said that the Legislative Council's self-degradation has contributed to our downfall today, because the outcome of the complementary efforts made by those Members is already known to everyone. If the motion is put to the vote, Members on our side will definitely be defeated because the royalists will definitely support the Government. Hence, the downfall of the Legislative Council is also attributed to the self-degradation of Members of this Council as well as the royalists, who allow the Administration to manipulate them and gatecrash the Legislative Council by force.

President, we can see from the incident that LEUNG Chun-ying is actually a hegemonist. Just now, Mr CHIM Pui-chung asked whether the current-term Government or the next-term Government requested to implement the proposal and demanded a reply from the Government before he decided how to vote. I wonder how Chief Secretary Stephen LAM will reply to this question. However, I am convinced that Chief Executive elect LEUNG Chun-ying must be prepared to sacrifice the dignity of the entire Legislative Council for the sake of saving his own face and assembling his own team in front of HU Jintao for that group photograph. His hegemony has indeed made us worry about the future Hong Kong.

If the Chief Executive elect is so hegemonic, and so are our future Chief Executives, and they are allowed to trample upon the Legislative Council procedures in this manner, what will Hong Kong become in the future? If the Chief Executive elect can trample upon the Council and the basic set-up of separation of powers, what will happen to the freedom and core values of Hong Kong people?

Secondly, insofar as the whole issue is concerned, the future Chief Executive has not only trampled upon the dignity of this Council, but also sought to move the existing 22 bills and motions backward to allow this motion to "jump the queue" purely for the sake of taking a photograph and saving face. What can we do with those 22 items? I recall that, during the discussion on the replacement mechanism, royalist Members requested that filibustering be stopped, whereas we requested that the bill be withdrawn. It was pointed out by royalist Members at that time that the situation was acute, for many bills relating to people's livelihood were still waiting to be submitted to this Council, and problems would arise should the matter be further delayed. In response, we proposed that the Government might as well withdraw the bill, so that Members could discuss other livelihood issues. The attitude displayed by royalist Members at that time was they were very much concerned about those livelihood motions and what could be done about those bills. There were concerns that the situation would turn very bad should they be vetoed. Dr Margaret NG even specifically pointed out a motion on legal aid, for she was very concerned about it. Now, we are very much concerned that there are many motions at the back, too. A bill on Mandatory Provident Fund, which is already halfway through, will have to be put on hold, to be followed by a bill on personal privacy. There is also a motion on pneumoconiosis, and pneumoconiosis victims are waiting for the motion to be passed, so that they can receive an additional 10% in compensation.

These bills and motions are still waiting, but royalist Members simply let the Administration "jump the queue". They were extremely anxious at that time, asking what could be done with those bills related to people's livelihood. Does it mean that they no longer need to take those bills seriously now? Does it mean that the Government can "jump the queue" now? Is it not hypocritical to suggest that those livelihood bills can now be brushed aside? In particular, royalist Members clearly indicated at that time that they took those livelihood bills very seriously, but now they have kept their mouths shut. But why were they so anxious at that time?

Actually, the royalist Members are free to say anything, but they do so not truly for the people. Ultimately, they have only one purpose — they will say anything depending on their master, that is, the dictates of Chief Executive LEUNG Chun-ying and the Government. Is it not hypocritical for them to act in this manner? If they are really concerned about those bills related to people's livelihood, how can they possibly give support to allowing the reorganization

resolution to "jump the queue"? Now that they support allowing the resolution to "jump the queue", does it mean that they are simply indifferent to those livelihood bills because they think that there is no need to pay attention to those bills and, most importantly, because their master, LEUNG Chun-ying, has requested that the resolution "jump the queue"?

What I find most annoying with the whole issue is, apart from the attempt to save face, the entire reorganization plan itself is a born mistake. We have along stated that the accountability system must be reviewed before restructuring. Why could Stephen LAM, who is so unpopular, could have been promoted from a Bureau Director to a Secretary of Department? After being promoted as the Chief Secretary, he was not even held accountable for half a year. He was absolutely not required to be accountable for any previous blunders, including those made in the course of democratization. Chief Secretary Stephen Lam, I have cited you as one of such examples because I am now looking at you. I did not mean to criticize you in particular. In fact, many officials are, likewise, not required to be accountable for many policy blunders.

Despite John TSANG hoarding the abundant reserves, the structural problem arising from the disparity between the rich and the poor in Hong Kong can still not be resolved. Although these accountable Bureau Directors and Secretaries of Departments have never been held accountable, the Government has not done anything to review all this. Neither has it reviewed the exceptionally high remunerations of accountable officials. We even found out the other day that the Government had played foul in setting the remunerations of accountable officials in an arbitrary manner. While scrutinizing a provision in the Finance Committee, we found a funny mistake. On the one hand, the Government says that the remunerations of Bureau Directors exclude housing and education allowances and other benefits, but these allowances and benefits turn out to be included. How was the calculation done? The remuneration and benefit of a civil servant at D8 level turn out to add up to a monthly remuneration of roughly \$300,000. According to the Government, the upper ceiling is set at \$300,000. Hence, the remunerations of accountable officials are broadly in line with this ceiling. In other words, housing and education allowances and whatever are included, though the Government says otherwise.

In fact, these accountable officials are in an advantageous position in every aspect. However, the Government has not done anything to review this matter.

At that time, civil servants at D8 level — you transferred at D9 level — were transferred to become accountable officials. Nonetheless, the Government has failed to review the problem of these officials of being put in an advantageous position and whether a comparison should be made with the civil service system. Basically, all wages around the world are not compared in this manner. Even the remunerations of prime ministers are lower than those of civil servants in Hong Kong. Although it is the same in places around the world, the Government does not conduct any review. This time around, the Government is using force again, saying the matter can be settled with a pay freeze.

Insofar as the reorganization of the entire structure is concerned, the three Secretaries of Departments and 12 Directors of Bureaux failed to deliver. What exactly were their problems? Instead of reviewing the problems, the Government requested an establishment of five Secretaries of Departments and 14 Directors of Bureaux. Without a review, how can the Government know the set-up of five Secretaries of Departments and 14 Directors of Bureaux is feasible? Insofar as the proposal of creating two posts of Deputy Secretaries of Departments is concerned, this is tantamount to saying that the previous Secretaries of Departments, as well as the incumbent ones, did not do anything. When they were given an urgent assignment to compile a population policy report, they just made a frantic last-minute effort to finish it. Neither did they do nor co-ordinate anything. But then, they requested that a Deputy Secretary of Department be created to help with co-ordination. If a Secretary of Department can really make decisions and play the role of co-ordination, there is simply no need for the creation of an additional deputy. But the Government does not do anything to review it. Is it a human or structural problem? If the problem is attributed to humans rather than the structure, replacing the person concerned can already solve the problem. However, no discussion is being held on this matter. The Government is merely concerned about expanding the accountability system with an establishment of five Secretaries of Departments and 14 Directors of Bureaux and put this issue over any matters of concern to Hong Kong society. Most importantly, the Government must do a good job of the face-saving projects, so that all accountable officials can swear in before HU Jintao in an honourable manner on 1 July.

President, should the Government behave in this manner? The whole Council is going round and round behind the Administration for the sake of the latter's face and singing praises of it. What is the purpose of going round and



round? To allow the Administration to "jump the queue", a lot of things have to give way. Even the Finance Committee has to give way. Starting from 8.30 am on Monday, it has spent 22 hours holding four eight-hour meetings. And then, extra meetings will be held next Monday and Tuesday merely for the sake of getting it done properly. Other discussions are considered superfluous. What matters most is to get this matter done properly. No matter what questions we asked, the Government would repeat like a human tape-recorder that "the accountability system had to be expanded before LEUNG Chun-ying's political platform could be put into implementation". The same reason was cited all the time.

Does it mean that the Chief Executive elect will be unable to take office with the three Secretaries of Departments and 12 Directors of Bureaux on 1 July? Will the sky collapse? Mrs Rita FAN has said that the sky will not collapse, and LEUNG Chun-ying has said the same thing, too. Why should the Government force it through? Why does it not co-operate with the Legislative Council properly? Why does it maintain that the relationship between the executive and the legislature has to be improved? To improve the relationship with the executive, the first thing the Administration must do is not to do anything by force and force its way through the Council. The executive and the legislature can only maintain their relationship on the basis of mutual respect in a meaningful manner with less frequent violent behaviour. How can a good relationship be built if the Administration uses force on every occasion for the sake of expediency and saving face and requests the entire Legislative Council to make complementary efforts contributing to its downfall?

I find it saddening that this Council has, after all, corrupted itself and made complementary efforts voluntarily. I am very disappointed about this. If the justifications are really strong, we will not disregard them. However, there is not yet a strong justification, and the handling of the entire accountability system is not backed up by a strong reason, and yet all livelihood motions have to give way such that the relevant resolution can be pushed through and completed by 1 July. We definitely disapprove of this. Hence, the Labour Party will definitely object to the motion to suspend the relevant provision of the RoP today.

In my opinion, if the RoP should ever be suspended, President, you should suspend the RoP to allow the motion on the impeachment of "covetous Donald TSANG" to be discussed first. Can you do that? This motion is, on the contrary, more urgent because this has to be done before 1 July. As Members

are so fond of suspending the RoP, we might as well act accordingly to allow the motion on impeaching "covetous Donald TSANG" to be discussed first. I find it more urgent to do so, because Donald TSANG would definitely have retired from office on 1 July. Should we wish to impeach him, we have to do so before his retirement. If the RoP were to be suspended, it is more meaningful to impeach Chief Executive Donald TSANG first.

Thank you, President.

**MR KAM NAI-WAI** (in Cantonese): President, I hope that the Legislative Council is a representative assembly where we can present facts and argue with reasons. President, in your opening remarks earlier on, you said that it is not the case that the bills originally scheduled for this meeting are taken out, in order for this resolution on reorganization to be added to the Agenda. I think there are people who will say that the Agenda of this meeting today (20 June) includes this resolution on reorganization. But this is misleading. Last Friday, the House Committee discussed the planning of Council business to be dealt with at various meetings of the Legislative Council, and here is the paper that we discussed. This paper has very clearly listed what other bills are pending deliberations, including bills related to the Mandatory Provident Fund System, construction industry, and so on, and there are also six other bills to be handled. Besides, 16 resolutions are clearly listed ahead of this resolution on reorganization in this paper.

President, the Script prepared for this meeting today (20 June) also listed the order of bills and resolutions that I have just mentioned, and according to the order that they are listed, this resolution on the reorganization of the Government Secretariat is put down as the 17th item. This paper also shows the dates of meetings. What are the dates? There will be meetings on 20 June (Wednesday), 21 June (Thursday) and 22 June (Friday), and there will also be meetings on 25 June (Monday) and 26 June (Tuesday).

President, I think you have accepted that this meeting (20 June) will be held for five days. The website of the Legislative Council clearly shows that the meeting starts today and is very likely to carry on until 26 June. President, if it is said that the discussion on this resolution is already included in the Agenda for

the meeting on 20 June, it is indeed misleading to the public. It is clearly stated in this paper that the discussion on this resolution will take 30 hours and the discussion on all the items on the Agenda will require 61.75 hours, meaning that it is impossible to complete discussions in this meeting which starts today as there is a shortfall of 1.75 hours. I believe Chief Secretary Stephen LAM must have this paper and if so, why did he not give notice in the House Committee the other day of placing this motion in the front, knowing that it would be impossible for the discussion on this motion to be completed? This is why we said that it is "foul play". He has "played foul" and then some people are backing him up. This has really made us feel dejected.

This Council is not presenting facts but making remarks that are misleading to the public. Although it is said that the resolution on reorganization is included in today's Agenda (20 June), it does not mean that this resolution has to be discussed today. Even according to the decision of the House Committee, this resolution will be discussed only on 26 June (next Tuesday) the earliest.

If some people are helping them to do evil and mislead the public, we will only consider this unfair. President, what you have done will give people the impression that this is unfair .....

**PRESIDENT** (in Cantonese): Mr KAM, while I ask you not to challenge my ruling, I have to correct you insofar as your general knowledge of this Council is concerned. The meeting on 20 June refers to the meeting which started at 11 am this morning until the time when I declare it adjourned. Even if this meeting will continue until 26 June, it is still regarded as the meeting of 20 June. So, if it is said that this resolution will be dealt with at the meeting on 20 June, it does not mean that it must be discussed on 20 June but the resolution is still listed in the Agenda for the meeting on 20 June.

**MR KAM NAI-WAI** (in Cantonese): President, even though I am a "newcomer" in this Council, I do have common knowledge of the proceedings of this Council. I understand that even if the meeting will continue all the way to 26 June, it is still considered the meeting of 20 June. I just do not wish to see a misconception among the public that this resolution on reorganization is scheduled for discussion on 20 June according to the Agenda. It does not mean that this

resolution is scheduled for discussion today. Rather, it is scheduled for discussion at the meeting which starts today (20 June) and will span several days.

Please do not mislead the public. Although I am a "newcomer", I have this common knowledge and President, you do not have to teach me this, as I do understand it. I only wish to point out that if it is stated clearly that it will be dealt with at the meeting which starts on 20 June and will span the next few days, what happens now is clearly intended to ..... If necessary, let me read out all the items relating to the people's livelihood on the Agenda. The Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2011, Construction Industry Legislation (Miscellaneous Amendments) Bill 2012, Personal Data (Privacy) (Amendment) Bill 2011, Legal Practitioners (Amendment) Bill 2010, Statute Law (Miscellaneous Provisions) Bill 2012, United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012, Immigration (Amendment) Bill 2011 and Buildings Legislation (Amendment) Bill 2011. Moreover, there are also many resolutions, including the proposed resolution under the Employees' Compensation Ordinance which is of the utmost concern to Mr WONG Kwok-hing of the FTU, proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance, proposed resolution under the Occupational Deafness (Compensation) Ordinance and proposed resolution under the Buildings Ordinance. These resolutions, totalling 16 in number, will all have to be taken out. What are these resolutions if they are said to be not relating to people's livelihood? Why must this resolution be discussed today (20 June)? I am trying to reason things out sensibly, and please do not mislead the public.

President, as we have pointed out, it is precisely because this resolution on reorganization is extremely controversial that anyone who made an unfair decision will be severely criticized. Similar to the incident that happened the other day when it was announced that the meeting would be postponed for no reason before an amber rainstorm signal was issued, this is set to be challenged. For this reason, we hope that this meeting is fair, and we hope to conduct discussions according to facts.

Let me state one more fact. Some people said that the proposals on the reorganization have been discussed for a long time and that they have been discussed over and over again. But what is the fact? I wonder if Members still recall how long it took Donald TSANG's team to discuss the expansion of the accountability system. Do Members know it? Do the public remember it? It

first took four months to conduct consultations and another seven months to compile the report. Well, let us not count these 11 months, and assuming that no consultation was conducted and no report was compiled, the scrutiny by the Legislative Council alone took six months. It took six months. What we are talking about now has been scrutinized for two months, but they are even doing this despite the fact that the proposals have been scrutinized for a mere two months. It is indeed impossible not to feel enraged.

Mr CHEUNG Man-kwong said earlier that we had requested to have a look at the Code for Officials under the Political Appointment System — Members can find it on the Internet; amendments are being made to it now and the draft of the revised Code is already handed to the Chief Executive elect's Office. We only requested a look at it in the Finance Committee, but Mr IP Kwok-him and Mr TAM Yiu-chung said, "This is not necessary. Just pass it to the Panel on Constitutional Affairs for discussion, and that will do."

I would like to tell the two Members that we are in the course of discussing the bill relating to the Mandatory Provident Fund (MPF) schemes, and as the Guidelines on Conduct Requirements for Registered Intermediaries is mentioned in the bill, we in the Bills Committee asked the Government to show us the Guidelines before the passage of the bill, so that we can take a look at them, not that they are required to be approved by us. The Government shown them to us and they were then approved. We are supposed to pass the bill relating to the "semi-portability" arrangement for MPF today, and this is the draft Guidelines issued for comment. Even the draft Guidelines on the conduct of intermediaries relating to the "semi-portability" arrangement for MPF are shown to us before the completion of deliberations by the Bills Committee. But when we asked for a look at the Code for Officials under the Political Appointment System, the two Members said that it would not be necessary and that we could read it as much as we like when it is submitted to the Panel on Constitutional Affairs. What kind of system is this Council using for conducting deliberations?

Even if they want to defend the Government and protect their master, they still have to guard the gate for the people, and they still need to know how the Code is revised. The greatest concern to me and to the public is: In the draft Code prepared by the Government, which stipulations are not accepted by LEUNG Chun-ying's team? Which of the recommendations made by the Honourable Andrew LI are not accepted by LEUNG Chun-ying's team? All

these are what members of the public need to know, and even though we know nothing about it, we are asked to approve the funding provision for the creation of the new posts. Is this fair? Is this guarding the gate for the people?

I would also like to say something to colleagues in the pro-establishment camp since some colleagues have mentioned this point earlier on. The pro-establishment camp chided us for causing meetings to abort but in fact, the democratic camp is incapable of causing meetings to abort and only they in the pro-establishment camp are capable of doing so. The first time that a meeting aborted in the Legislative Council was caused by the pro-establishment Members. They also chided us for filibustering, but the first time that filibuster took place in the Legislative Council was also started by the pro-establishment camp and the Government, and they are now accusing other people of doing the same as they did. The pro-establishment camp has been the first to do many things in this Council and a recent case in point is — It should be great if Dr Philip WONG is in the Chamber now — In the Subcommittee set up to investigate the Lehman Brothers Incident comprising Members from various political parties and groupings, they nevertheless tabled a minority report; and President, to curb filibustering, you guillotined the debate. You guillotined the debate under Rule 92 of the RoP without consultation, and that was also the first time it happened. Why would the dignity of this Council ..... Before chiding other people, they should first think about whether they have done the same before! In order to defend the dignity of this Council, we must not think that if, just as Mr WONG Kwok-hing said, the set-up of three Secretaries of Departments and 11 Directors of Bureaux — No, it should be five Secretaries of Departments and 14 Directors of Bureaux — is not passed, this Government would have to carry out a lot of work to rebuild from ruins. Even the question of whether or not funeral charges can be lowered is said to be related to the set-up comprising five Secretaries of Departments and 14 Directors of Bureaux. This is really elevating the matter to the political plane. In comparison, perhaps it is because Chief Secretary Stephen LAM will be leaving soon and he will cease to hold office ..... Or perhaps just as Secretary Dr York CHOW has said, we should not have too high expectations of the new Government, and this is all spoken with conscience.

I wish to point out that we are not fighting for a meaningless cause ..... If the pro-establishment Members only care about saving face for their master, not only will they fail to defend the dignity of the Legislative Council, but they will

also fail the important duty entrusted to them by the public of monitoring the Government for the people and guarding the gate for Hong Kong people.

President, if Members think that the tabling of the resolution on reorganization a few days later ..... We still have meetings scheduled for 4 July and 11 July ..... Do we hold discussions for the sake of saving face for other people? We should use a — put in the words of the Director of Audit — conservative and prudent approach in scrutinizing a controversial resolution. We really have to use a magnifier to examine clearly if there is anything wrong with the set-up comprising five Secretaries of Departments and 14 Directors of Bureaux. It is because the public are questioning the reasons why the accountability system has to be expanded even though it has not achieved anything. As it has not performed its functions effectively, it must show better performance before any expansion should be requested. I do not intend to further discuss these issues today, but if there is not enough time for us to conduct deliberations and we are told to pass this resolution before funding is approved by the Finance Committee, all I can say is that if this motion on the suspension of Rule 18 of the RoP is passed today, the Legislative Council will only be moving towards dark days.

Thank you, President.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, Dr Margaret NG said just now that after learning you had accepted the request of the Chief Secretary for Administration, Mr Stephen LAM, to propose a motion on suspending the RoP yesterday, she was very surprised. She was surprised at the President's acceptance of a motion that would be moved without giving advance notice.

From this angle, I think many people would indeed find this surprising and Mr LEE Cheuk-yan even felt enraged just now. In fact, many members of the public told us that they were angered by this decision of the President. However, taking a step back and looking at it from a wider perspective, given the recent developments, this is only to be expected indeed. Dr Margaret NG is the Chairperson of the Establishment Subcommittee and it turned out she had to keep extending the meeting for the conduct of discussions, so as to complete this so-called "cooling-off procedure". Hence Members can appreciate how the situation is like. Apart from this, Members can also see that the meetings of the

Finance Committee had to be extended all the time, in order that the process of scrutiny could be completed as quickly as possible.

Why has such a situation arisen? The reason is actually very simple. This is attributable to the existing parliamentary system. Under the existing parliamentary system, only the President can make such a decision. Even if a decision contravenes the rules, the President needs not worry because he knows that it is likely he can secure the majority support of Members. You are by no means worried, so you accepted this motion proposed by the Administration. You know that this motion would be passed later on, so you made the decision.

Therefore, today, not only do we find the decision made by you regrettable, what we find even more regrettable is that the parliamentary system even allows you to make this unreasonable decision that contravenes the rules. For this reason, we must campaign for an even more democratic parliamentary system. Otherwise, in the future, similar instances would surely recur and we would not be able to avert this kind of unfair and unreasonable decision. President, even so, there are still some people who think that there is no need to consider so much, and they only want the resolution to be passed quickly, so that the new Government can address the people's pressing needs and introduce policies that meet public expectations.

(Mr Albert CHAN stood up)

**PRESIDENT** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): President, Members do not like very much to stay in the Chamber for the meeting, so please summon them back here. Thank you.

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

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



**PRESIDENT** (in Cantonese): Mr LEUNG Yiu-chung, please continue.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, just now I mentioned that some people — and that include some Honourable colleagues in this Council as well — who want the resolution on the restructuring of the Government passed as soon as possible so that the new-term Government can sense the urgency of the people. I wish to read out an SMS message which a member of the public has sent me. He says, "We are very angry. We are extremely angry with Mr TSANG, the President, for his ruling made today. He allows the Chief Secretary to break the rules and bypass the parliamentary procedure while the public does not agree at all that a reorganization of the government structure is urgent. Please do not always say 'sense the urgency of the people'. We have never felt any urgency. Even if the reorganization proposal is passed, it cannot make the life of the people any better." President, I agree with the view of this member of the public. Can those issues of public concern be addressed by passing this motion on reorganizing the Government?

I remember that last Saturday the Chief Executive elect, Mr LEUNG Chun-ying, went to Kwai Fong and chatted with the residents there. At that time, some residents asked them to make a pledge to produce 35 000 public rental housing (PRH) flats a year. What did he reply? He said, "Not that I do not want to produce more such flats, just that there is no land for such construction. So I would not make such a pledge." Are these remarks related in any direct way to the reorganization? Just imagine this: If what he said were true, there would be no relationship between the two. He was only saying that there was no land, so he could not do it. Therefore, this is a question of land supply.

The election platform of Mr LEUNG clearly shows that the new-term Government will not increase the volume of PRH construction and it would only shorten the time taken for their completion. In other words, he would shorten the time pledged by the current-term Government to build 75 000 PRH flats in five years by one year to four years. But is there really a need to restructure the Government to complete this task? I would think that this is not the point at all. Members of the public do not merely want an early completion of these PRH units but they want to increase the amount of PRH units produced. This is the crux of the problem.

So the authorities must address this public demand and increase the production of PRH units. This is a policy issue which is unrelated to reorganization. But many people would say that the problem will be solved once the government structure is revamped. What is the use if the amount of PRH units built is not increased but merely the speed of producing them is increased? Can this be called "sensing the urgency of the people"? Can the housing problem faced by the people be solved? I do not think the problem can ever be solved.

It follows that the major premise for the Government to undertake this reorganization exercise is to find out why the policies it formulates do not sense the urgency of the people. This is the most important thing of all. When we do not undertake a review of the effectiveness of the accountability system, we are trying to enlarge it. How should officials hold themselves accountable? All along there is no clear answer to this question from the Government. When I asked Mrs LAW in private about this, she said, "Please do not call it an accountability system anymore. We do not call it an accountability system. We call it a political appointment system." This is the right way to put it. Why? It is because over the past 10 years the accountability system had never realized the spirit of accountability and even if the popularity ratings of all the officials are so low — and it does not mean low scores in one opinion poll but every opinion poll — what kind of punishment did they get? No, they are not punished and they still enjoy great powers and a high salary. They can still sit in this Council, without receiving any punishment. There is no accountability at all.

When this is the case now, will officials of the new-term Government be the same? Will they stay in power and get their high salary even if their popularity ratings remain low? Can members of the public take this?

So before the Government reorganizes its structure, we hope that there can be a full-scale review of the accountability system. In response to our repeated demand for a review, Mrs LAW said, "Well, since you want a review, then we will conduct a mid-term review." But when we asked her what would happen after the mid-term review, she just gave a curt reply, "We will see what can be done." This is her reply; what can be done will be done. But as we look at the accountability system itself, that is, the five Secretaries of Departments and 14

Directors of Bureaux, we will think that this should not be the case and there should be a major revamp. Will the authorities ever do this? The mid-term review will take place two years afterwards, but how should it be done? It is likely that there will not be any major revamp but only a review of some minor details and there is no full-scale review of the structure or of a practical nature. I think those remarks from Mrs LAW are just an excuse, and they do not address the crux of the problem.

Therefore, we have been demanding that if the Government wants to reorganize its structure, it should first talk with us on how the reorganization should proceed and how a truly accountable system can be established. It should address the policy direction of the SAR Government and use the new organization to complement the administration. It would only be meaningful if this can be done.

But things are not like that. What is the situation now? It is an attempt to put up a show of how the Government can have its way forced through this Council. Thinking that it has got enough votes, the Government is forcing its way and compelling us to pass the resolution. What is the aim of this? Many Honourable colleagues have said earlier that this is nothing but caring about the face of a certain individual and achieving an honourable transfer of power. That is all. From the perspective of administration, what kind of effects or what good will it bring? We do not care about it. In fact, we can see that the current-term Government has failed in many respects and the cause does not lie in the structure but in the policies. As long as the policies remain unchanged, how can we expect the problems to be solved? The housing problem which I have mentioned is just one example. Let me talk about it once more.

President, Eva CHENG keeps on saying that it is enough to produce 15 000 PRH units every year because the time taken for those on the Waiting List to be allocated a flat is three years. This target time of three years is the result of the consensus reached by us over the past eight years. Now we have achieved this target and for some applicants, they can be allocated a flat as fast as 2.2 years. Then why should the production amount of PRH units be increased?

This has nothing to do with the government structure. This is all about policy. It is the view of the Government that the policy objective has been

achieved and there is no need to increase the production of PRH flats. Therefore, Eva CHENG said that it would be enough to produce 15 000 PRH units a year. She also said that for the next five years, it would be enough to produce 15 000 PRH units per year on average. This issue has nothing to do with the reorganization plan put up by LEUNG Chun-ying, especially his idea to put the policy areas of housing and lands and planning under the same bureau. The two are not related. They are absolutely not related at all. In such circumstances, the question does not lie in whether the government structure should be reviewed first but in which direction should the policy concerned be geared. It is unfortunate that the election platform of LEUNG Chun-ying is similar to this policy, so I do not see any special need to change the present government structure.

President, I hope very much that Members can really be more pragmatic and think about what the next-term Government should do to achieve this idea of sensing the urgency of the people which everybody is talking about. The officials should also consider how best the needs of the public can be addressed and they should not always go after vanity or their face instead of finding solutions to problems.

President, we all know what will be the result of this resolution today. Owing to the very composition of this Council, we would not expect to see any breakthrough in the voting results. But we should remember that after all, the parliamentary assembly belongs to the people and it is the people who monitor this Council. The people will know how Members vote. I hope Members can consider the problem from the angle of the people instead of that of those in power. For if not, we will never meet the needs of the people.

President, I so submit.

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): President, I request a headcount.

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

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

**PRESIDENT** (in Cantonese): Mr TAM Yiu-chung, please.

**MR TAM YIU-CHUNG** (in Cantonese): President, those who are not on the scene will certainly think that Mr Albert CHAN is really the most hardworking Member. They will think that he, sitting in the Chamber and seeing that so many Members were not present, requested a headcount. But this is not true. According to my observation, since the meeting resumed at 2.20 pm, he just entered this Chamber 10 minutes ago before requesting a headcount twice. I would like to take this opportunity to tell all of you the reality. Mr LEUNG Yiu-chung pointed out that we have to speak the truth and facts. So, I would also like to tell you the truth.

Furthermore, what is the culprit perpetrating all of these problems? It is filibustering. We have wasted a lot of time on filibustering, thus causing delay to the schedule of meetings. We have to sit here and press the voting button, resulting in a "traffic jam" to many bills, resolutions and even Members' motions, which are pending discussion. This is the problem.

I have listened to the speeches of Members from the pan-democratic camp for more than three hours. Among those who have spoken, only Mr Frederick FUNG indicated that he did not support filibustering. However, he added that filibustering is allowed under the procedures. Members of the pan-democratic camp dare not point out why this has happened because they are afraid of being scolded or even lambasted. I remember that at the House Committee meeting the other day, Mr KAM Nai-wai was snapped right after uttering the sentence that "filibustering would obstruct ....." Subsequently, I found that even though Members could speak more than once, he dared not speak anymore after that scolding. When I spoke, I pointed out that Mr KAM Nai-wai was really a "chicken" because he had remained silent like a quail after being scolded. This

is a fact. So, in a society like this, fierce people will sometimes gain the advantages. Do you dare to scold or rebuke other people? You dare not.

Thus, they changed their target. They criticized the President for exercising his discretion to waive the notice period. However, the President has explained that he has the power to exercise discretion, and this is not the first time. Very often, he would exercise discretion in the light of the circumstances *vis-à-vis* the Government's and Members' requests. I am not putting in good words for the President. This is also a fact.

Besides, some people have argued that there is no urgency for a discussion on the issue, let alone that no advance notice is given. Mr Albert HO said that the issue should have been raised much earlier. However, as we all know, the Government indicated its intention of submitting the relevant issue to this Council for discussion and voting on 20 June when the resolution relating to the reorganization of the Government Secretariat was announced on 8 May. I note that this date has never been changed. Why did I pay attention to it? Because I am Chairman of the Panel on Constitutional Affairs, while serving as Chairman of Subcommittee to Study the Proposed Legislative Amendments Relating to the Re-organization of the Government Secretariat later on. Hence, I have been aware that the date of 20 June has never been changed.

As the Government has chosen this day, we .....

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): A point of order. Rule 17(2) of the RoP provides: "If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned."

**PRESIDENT** (in Cantonese): Are you saying that a quorum is not present?

**MR LEUNG KWOK-HUNG** (in Cantonese): I am raising a point of order pursuant to Rule 17(2) of the Rules of Procedure. Would your honour take note of that?

(A Member made an utterance in his seat)

**MR LEUNG KWOK-HUNG** (in Cantonese): Buddy, it is a comrade from your party who said we should not cut in while someone is speaking.

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

(When the summoning bell was ringing, Mr LEUNG Kwok-hung walked about and talked in the Chamber)

**PRESIDENT** (in Cantonese): Mr LEUNG, I am handling the point of order raised by you.

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

**PRESIDENT** (in Cantonese): Mr TAM Yiu-chung, please continue.

**MR TAM YIU-CHUNG** (in Cantonese): Well, then let him go on. In fact, Mr LEUNG Kwok-hung is not always in attendance and he is doing this just because he wants to play havoc by requesting a headcount.

Did this matter come about all of a sudden? Actually, the Subcommittee to Study the Proposed Legislative Amendments Relating to the Re-organization of the Government Secretariat had made an oral report in the meeting of the House Committee on 1 June and a thorough written report on 8 June. Members were reminded that the deadline for proposing amendments was 13 June. So as a matter of fact, Members know well enough what to expect and they are aware of this date of 20 June proposed by the Government.

Mr Albert HO claimed earlier that the Government had made a sudden move and Members had to prepare for the speech drafts and make a change in their mind. Actually, during the past few days we have been discussing this reorganization plan every day, only that the topic was discussed in various committees. Members have been discussing it during the past few days in the Finance Committee. There were repetitions and we all know them very well. The questions and answers were likewise repeated. We know them so well that we can talk about them off the cuff. So I do not think there is a need to fix a certain period of time for making preparations.

I also heard Mr Andrew CHENG ranting and berating most vigorously just now. I would like to point out that when the subject was being discussed, I seldom saw him coming to the meetings. I did not see him when the Finance Committee discussed the reorganization plan. I do not see him often in the Council meetings these days. I have been given to understand that he is really very busy as he is a marriage celebrant as well as a host of a radio programme. I only learnt about that last night because he asked me to call into the radio station because he was a host there.

As the summoning bell was ringing all the time while he was interviewing me, so I asked him to come back as soon as possible as a quorum was not present. He did not really care about things here. But once given the chance, he would rise and voice his opposition. Actually, he did not take part in the discussions, so for many things, he ..... he was saying that the Government was playing foul. He could say anything he liked. He could watch football matches at night and be a host of a radio programme during the day. Then he could only talk about football, saying that the Government is playing foul.

I would think that it makes sense to play foul because many people are trying to pull people's legs. Those people who are doing this are those who filibuster. They are trying to pull the Government's leg so that it cannot do anything. So I think I must throw this out.

There are some more examples I wish to cite. Mr CHEUNG Man-kwong was emotionally charged when he spoke earlier and he was clamouring. He quoted from some opinion poll. Luckily I have with me now the newspaper cuttings today. He cited from a poll conducted by the *South China Morning Post*. But he only cited one item of the poll while ignoring another. He cited



the one on the number of people in favour of the reorganization plan, but he did not cite another on what the people think of the adoption of filibustering on the reorganization plan. It turns out that 49% of the interviewees do not agree with it.

This is not a very high percentage, though. I know that another newspaper cutting has it that the Hong Kong Public Opinion Research Centre released yesterday the findings of the latest poll on reorganization of the government structure and it is found that 72% of the interviewees do not agree with opposition-camp Members who use the filibuster tactic to prevent the Council from passing the reorganization plan before 1 July. This kind of polls is public opinion surveys and they are not fabricated by me. So as Mr LEUNG Yiu-chung has cited the view of one member of the public, we can also look at the findings of some surveys. It turns out that this is the situation. I would therefore think that we have to be more comprehensive when citing opinion polls and we should not talk about one thing while ignoring all others. We should not say something just to our advantage and be silent on things not to our advantage. We should not do that. We have to present the whole picture.

I am a bit surprised, too. This is because Mr CHEUNG Man-kwong used to have some national feelings, but I was surprised to hear him say at the end of his speech that now we are really worse off than in the colonial times. It seems that he is nostalgic about the colonial past. He talked about Chris PATTEN, too. I do not know if Mr CHEUNG had this impression rekindled because he had seen PATTEN on TV recently. But I do not think he needed to have done that.

Then there are also some Members like, for example, Mr Albert HO, who said that the rule of law is being destroyed. There are also Members who have said that there is no procedural justice. I do not think such remarks can be made lightly. If this is really a breach of the rule of law and procedural injustice, I am sure a judicial review will be filed tomorrow. It is not that we have never seen such things before. If the Government has really the guts to do this, and so has the President of this Council, a judicial review is bound to be filed right away, and a conclusion could be reached at once, too. So as it is written clearly in the RoP and as Members act according to the procedures specified in the RoP, that would be considered sensible, reasonable and lawful. We must not twist something lawful as unlawful. This will not work. It is only falsifying the

truth, something that should never be done. So if we are to force through something ..... and as I said just now, this filibustering has caused much delay in time and in fact, it has been more than a month. And this accounts for the situation today. If Members were to criticize and condemn anything, they should target filibustering instead of anything else.

With respect to this question of filibustering, the survey I have quoted has collected many views from the public. For me, the residents with whom I have come into contact in the districts express a general disagreement with it and they find it repulsive. On many occasions when we had placed booths on the streets or made some contact with members of the public in various places, they would ask after us and say, "Well, has the issue of reorganization of the government structure been settled? Will it make it in time?" Many people are very concerned about this issue. Why? Is it because all this fuss is meant to enable a group photo to be taken or is it a question of face? If this is really the case, then there is really no point in doing it.

We are not supporting the idea of reorganization for the sake of someone's face, nor are we doing this for the sake of that group photo. As the Government is to move on to a new term, the Chief Executive elect thinks that in retrospect of the past five years, something could be done to fine-tune things. He then takes on board the views expressed by the people and the community, such as the one on creating two more bureaux to reflect greater attention paid to work in the promotion and development of information technology and work in promoting cultural development. Such a view has gained widespread recognition in this Council as well and hence two relevant bureaux are added to the reorganization plan.

Besides, is creating the posts of two Deputy Secretaries of Departments a big problem? I do not think so. We all know and he has also said that the aim of creating two Deputy Secretaries of Departments is hopefully to enhance efficiency and work in co-ordination. I do not think there is any problem with creating two more posts when we find that manpower in the establishment is not sufficient. Of course, we do care about the use of public money. But if such spending will produce the effect we want, then why should we not go ahead and give it a go? We therefore think that these two posts should be created. And the Chief Executive elect should give it a go and for us, we can keep a close watch on the developments and see what happens after these posts are created and

the bureaux are reshuffled. We can see whether the desired goals are achieved. These should be what Members of this Council should do.

In this process, Members from the pan-democratic camp are always finding some handle to oppose the plan. This includes the question of the code. Actually, for this question of the code, we know that such a code does exist now. After hearing Members' views on how the code can be adjusted, improved and perfected, the Government has promised that this code will be provided to Members. But some Members say that without this code, the plan must never be passed, and it is only when the code is available that there is any chance of passing the plan. This is in my opinion, an argument based on some flimsy grounds. Moreover, such matters should not be discussed in the Finance Committee and it would be proper to discuss them in the relevant panels. However, these Members are finding many excuses and pretexts just to drag things on and prevent the resolution on the reorganization from being passed before 1 July.

They say that the only reason for the new Government to fight for the passage of the relevant motion before 1 July is to take a group photo with everyone in it. But we have to face a simple fact and that is, the day of 17 July is the last day of the current Session of this Council, so how many more days do we have? If we do not do a good job during that period, there is a likelihood that it will be delayed for more than half a year. This will in turn affect the entire government structure and its smooth operation. What then is the good of it? Mr LEUNG Yiu-chung says that he is looking at the matter from the perspective of the people. I am sure the people would hope that after the reorganization has taken place, the new-term Government can kick off and the people can benefit from its policies and measures. We render our support to this revamp plan because we think it is justified and there are many reasons for doing so. To those people who oppose it, I urge them to rethink whether what they are doing is for the good of Hong Kong. When they filibuster in this way, they are wasting a great deal of public funds and resources. We know that \$1 million is spent on each day of meeting. I think Members should seriously consider not to filibuster anymore. In view of all this, we will support the motion. Thank you, President.

**PRESIDENT** (in Cantonese): It is now 6.36 pm. I suspend the meeting until 7.40 pm. Will Members please come back on time.

6.36 pm

Meeting suspended.

7.40 pm

Council then resumed.

**MS CYD HO** (in Cantonese): President, first of all, I have to respond to the speech made by Mr TAM Yiu-chung before the break. He traced the origin of the problem and asked why a "big traffic jam" had occurred. However, he has only traced back to the filibustering in May. I would like to trace back to a much earlier date when the Government tried to deprive the people of their right to vote. I would like to trace back to more than 10 or 20 years ago when the democratization of the political system was obstructed by many factors due to the procrastination and filibustering of the pro-establishment camp. Also because of these, we have to debate some nonsensical or frivolous matters under a distorted system today.

A debate on the motion to suspend Rule 18 of the RoP proposed by the Chief Secretary for Administration under Rule 91 of the RoP is now conducted in accordance with the President's ruling. Under Rule 91 of the RoP, a motion which has the effect of suspending a Rule "shall not be moved except after notice or with the consent of the President". The present situation is that no notice has been given. Keeping an eye on the Agenda, we have been aware all along that there are a lot of outstanding bills, including the Personal Data (Privacy) (Amendment) Bill 2011 and the Immigration (Amendment) Bill 2011, which are our major concerns and have been set out on the Agenda in the past few weeks. However, the order of business was distorted when bills that we are familiar with were removed from the Agenda over the past few weeks. The crux of the problem lies in the President.

President, I know that we are not allowed to criticize your ruling here. If you propose a closed-door meeting with us again, you will not be entertained anymore as there is no more trust among us. However, public discussion cannot be curbed since it is more difficult to curb public discussion than to prevent floods. More and more people outside are discussing this matter. President, I have recently seen the word "responsibilities" on your billboards. It seems that you have to assume these responsibilities and the public will draw their conclusions.

The idea of expanding the political appointment system to five Secretaries of Departments and 14 Directors of Bureaux is simply far from mature and should not be launched at present. A lot of questions are still in our minds. The relevant panels, the Establishment Subcommittee and the Finance Committee found that their questions remain unanswered and further questions will be raised.

The authorities should have launched public consultation on this major revamp. But the team (designate) refused. Now, Members have to raise a lot of questions on behalf of the public so that the public can better understand what is going on. To our surprise, lots of matters cannot stand the test of questioning and many commitments are mere empty words. For instance, the Chief Executive elect said that if the resolution relating to the five Secretaries of Departments and 14 Directors of Bureaux were not passed by Legislative Council, the construction of public housing would be delayed and the implementation of policies and pledges made in the election platform would be impeded.

We are certainly very concerned about the construction of public housing. We then asked the Government: If the resolution were passed, when public housing units would be offered to the people? When and how many units would be provided? When would the eligibility for public housing be relaxed? It is most reasonable for us to request a performance pledge from the Government and the answers to these questions are something that the public want to know. Moreover, the public have the right to ask these questions. To our surprise, these questions cannot stand the test because when being asked, Mrs LAW said that we were making things difficult for her. Bulldozing through the proposal on the pretext of insufficient manpower rather than a specific target is in fact making things difficult for this Council, as well as Hong Kong people, because public money belongs to the people of Hong Kong.

We have seen some changes after the democrats have asked so many questions. First, the team (designate) is forced to undertake that a review will be conducted in two years; second, a pay freeze is proposed instead of a rash decision to increase their salaries by 8%; third, the commitment to draft the code; and fourth, even Mrs LAW felt obliged to explain clearly the eligibility and qualifications of Political Assistants at the meeting of the Finance Committee which was held preceding this meeting. These are the results that Members have got by asking questions and following up the issues on behalf of the people. These are not filibustering tactics, but fruitful results.

Coming back to public housing, if we are accused of having obstructed the progress or construction of public housing by asking so many questions, I would like to mention the papers discussed and considered at the same meeting of the Establishment Subcommittee. A total of six posts, including those at D1 level such as Assistant Director and Chief Engineer, will be created in the Architectural Services Department, the Buildings Department and the Planning Department. These six officers will be responsible for conducting quantity surveying and foundation investigation for the construction of public housing and Home Ownership Scheme flats. The post holders will be in charge of actual work — LEUNG Chun-ying is most fond of saying we have to do actual work. However, the Government has insisted that these six posts, which will be tasked with actual work, should be bundled up with proposals not underpinned by specific objectives or which are put forth without careful consideration, for voting. The Government is reluctant to create these six posts first. This is the attitude of the Government which says that it will do actual work. But the truth can be exposed easily.

The public did not quite understand what was going on initially. But after questions were raised by Members, the public became aware of the issue, thus bringing substantive changes and results. Regarding the candidates, even Mr WONG Kwok-hing said that the recruitment should be withheld for the time being if no suitable persons could be found. He is right. Rumour has it that Dr Patrick HO will be appointed as Deputy Chief Secretary for Administration. It would be bad should it be true. In the past two years, the two reports on which public hearings were held by the Public Accounts Committee were the consequences left behind by Dr Patrick HO, which were shouldered by the incumbent Secretary TSANG Tak-sing. We also felt that Secretary TSANG Tak-sing was innocent when he answered our questions at the public hearings.

But it turns out that an underperformed Secretary may return to the Government. Worse still, he may be promoted as the Deputy Chief Secretary for Administration .....

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): President, I hope more Members can listen to Ms Cyd HO's comments on the poor performance of Dr Patrick HO. So, please do a headcount.

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

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

**PRESIDENT** (in Cantonese): Ms Cyd HO, please go on.

**MS CYD HO** (in Cantonese): Coming back to the candidate, Dr Patrick HO .....

**PRESIDENT** (in Cantonese): Ms HO, please try to focus on this motion. As for your views on the resolution relating to the reorganization of the Government Secretariat, you may express them when this Council deals with the resolution.

**MS CYD HO** (in Cantonese): President, strictly speaking, this candidate is not related to the resolution. But I will tell you later how unethical the Government has been in manipulating public opinion during the selection of candidates because of its hope to have the motion passed expeditiously.

When the names of the candidates were leaked by the team (designate), we were really mindful of helping the Government by calling for a halt to it. Various parties and factions hoped that the Government would not recruit some

substandard candidates. Conversely, we hold a different attitude towards the rumoured candidate for the post of Deputy Financial Secretary. Owing to our criticism in the Finance Committee, Mrs LAW also changed her tone and said that the position could remain vacant if no suitable candidate could be found. Hence, the discussion of the Finance Committee or the Establishment Subcommittee is neither in vain nor a filibustering tactic. We have got actual results. However, in order to hasten the delivery of the proposal of expanding the accountability system to five Secretaries of Departments and 14 Directors of Bureaux, the team (designate) has reached a point where it has become unethical in manipulating public opinion.

President, last week I said that I did not know how to translate the word "decent". Today, when I criticize other people in Cantonese, a proper word has come to my mind. The word "indecent" precisely means "冇品"、"冇格". This is the only word I can think of in describing the team (designate). In order to mobilize the public opinion to pressurize this Council, the team (designate) has waged the "media war". In the first charge of their battle, we were accused of engaging in filibustering without bringing any benefit to the people. We were described as having spun a cocoon around ourselves and deserved it. However, their popularity rating has dropped by 10% after the publication of their remarks. They then have their mouths shut.

In their second tactic, the time and venue of interview for Under Secretaries were disclosed, thereby revealing the applicants' identity and causing embarrassment to them. However, a member of the selection committee came forth grinning cheekily, saying that one of the tests for the candidates was to face the media. In order to garner support for the reorganization proposal, they have made news in such a dishonest, sneaky and indecent manner. Why? By adopting such a tactic, they will not be able to recruit the right talents. As the saying goes, "if people who know small tricks always go to your place, real talents will not show up". The more anxious they wish to make news and put pressure on this Council by public opinions, the more likely they will get the undesirable result. As the saying goes, "birds of the same feather flock together". So do human being. If those who are responsible for recruitment behave in such a cheeky manner, the interviewees will also have little confidence in working with the team (designate) in future.

Nevertheless, the resolution relating to the five Secretaries of Departments and 14 Directors of Bureaux will certainly be passed. How will it not be



passed? Apart from the fact that sufficient votes have been secured, the majority of functional constituency Members will support it. Moreover, Members who usually defend the Government need not count the votes like what Mr CHIM Pui-chung usually does. We can imagine that at least 34 votes are in favour of the motion and the resolution will be passed today. The crux lies in whether it can be tabled. President, you are prepared to allow this motion to be tabled. As this resolution is proposed by government officials, separate voting is not required and it will certainly be passed. President, you disallow any dispute with you. This is just like a football game. Even though the referee has made a wrong ruling or a ruling underpinned by corrupt practices, the player who has put the football into the gantry by the "Hand of God" will win and no dispute is allowed, right?

President, I do not wish to argue with you on your ruling, but I would like to discuss what we would do in the face of your ruling and in the face of behaviour which pays no heed to order. Such behaviour will not be acceptable if the same principle is applied outside the legislature in similar circumstances. Let us imagine a scenario in which Chief Secretary Stephen LAM is driving a car with the car plate of "CS" and waiting outside the car park. There are dozen of cars in front of him. On the pretext that he has to rush to a wedding for a photo shoot, he overtakes other cars, jumps the queue, and crosses double white lines. He will not be excused just because he is the Chief Secretary and will also be issued a penalty ticket. His behaviour will cause public anger because public interest has been undermined. If he has really done so, we would ask whether the Government is above the law. Is LEUNG Chun-ying above the law in Hong Kong? He can request a suspension of rules, ignore the rules and jump the queue for the implementation of the reorganization proposal, can he?

President, I oppose that some people who have been waiting in line are overtaken by the others. I hope that Hong Kong is still an orderly society in which all people will queue up and wait for their turn, regardless of whether they are waiting for a bus or taxi in the street. Dr SUN Yat-sen, in his speech at the University of Hong Kong, said that he respected this order and highly appreciated that Hong Kong was such an orderly society. Today, though Mainland visitors on Individual Travel Scheme sometimes do not know the culture of queuing up in Hong Kong, yet they admire such culture in Hong Kong as we are free of the intimidation of criminal liability or legal penalty. We take pride in and treasure this order.

In this solemn and self-respecting Council, we should be the most orderly people and able to set an example. However, someone has taken the lead to damage this order. Who has taken the lead? Dr Margaret NG said earlier that he is a man in wolf's skin or sheep's skin. I would rather say that it is a wolf in man's skin and even beautiful clothes who has taken the lead to do such damage. A person is compared to a rat for being so shameless that he even does not care about his own face, as if a rat which does not care about its own skin. A person is nothing but a suit, as an American saying goes, if he does not know etiquette or rules. In other words, he is only a person in a suit, which looks better than it is. To me, it is a waste of the suit itself.

Under the tyranny of a distorted system, it is useless to put forth our justifications. However, I would not say today is a sad day. Here, I would like to remind all of you that whenever the truth has been trampled on, the wisdom of civil society will accumulate, and each humiliation will turn into a more solid foundation for the next wave of resistance. For those who have damaged the order in the Chamber today, history will come back to haunt each one of them and settle today's score.

**MRS SOPHIE LEUNG** (in Cantonese): President, I speak in support of the motion relating to the suspension of Rule 18(1) of the RoP.

President, I have been following colleagues' speeches with all ears in an attempt to listen to their views. I think some colleagues' speeches have gone overboard, giving people an impression that they are bad losers. Is this necessary? In fact, we are adults. I would like to quote the *gatha* of Buddha: "There is no Bodhi-tree, nor stand of a mirror bright; There is nothing in reality, whence comes the dust?". As long as we look at the issue with equanimity, it is not necessary to be a bad loser or say evil words to other colleagues as if we want to win everything — an attitude which I think should not be adopted.

First of all, let us take a look at Rule 91 of the RoP. Just now, some colleagues queried why the President has granted leave to this motion. However, does the President have any justification to deny consent? In fact, the President has no justification not to grant leave. According to the RoP, the President has no justification not to grant leave. That being the case, what is the point of disputing the President's ruling here? We should remind ourselves of

this. Precisely because of this, I sometimes think that some colleagues are like a bad loser.

Some Members queried whether it is for the sake of saving face. Such a view is premised on assumptions. Do Members who behave like a bad loser adopt such an attitude also because of face? In my opinion, we are given face by the others and a person's conduct ..... We as Honourable Members of the Legislative Council should be guided by our conscience — I do not know how to translate a term, President, I wish someone can enlighten me — the term "common decency". If our society does not have common decency, I do not know how low we may sink. I think we should look at all matters with equanimity

Let us take a look at the Basic Law again. Chapter IV of the Basic Law is about Hong Kong's political structure. While Section 1 is about the Chief Executive, Section 2 is about the Executive Authorities, which stipulates that "The head of the Government of the Hong Kong Special Administrative Region shall be the Chief Executive of the Region.". The Chief Executive should be supported by the Executive Authorities so that he can perform his or her duties. So, on 1 July, when the term of the incumbent Chief Executive expires and the new Chief Executive takes office, the new Executive Authorities should also be in place. What are the justifications for us to stand in the way? In particular, Article 62 under Section 2 stipulates that "The Government of the Hong Kong Special Administrative Region shall exercise the following powers and functions.". Regarding these powers and functions, I certainly need not go into the details. Some colleagues queried the urgency just now. But the Chief Executive is really obliged to perform his duties. Therefore, we have no right to stand in the way. On the contrary, we should let him set up the new structure.

We have spent a lot of time scrutinizing the proposed governance team for the Special Administrative Region. Members have asked questions on every matter, regardless of whether it is trivial or not. Questions concerning matters which are as trivial as whether any codes of practice will be formulated are asked. When the answer is in the negative, some Members would say that formulation is required right away. When being told that administrative rules have already been put in place, these Members would say the rules should be scrutinized afresh. After these issues have been discussed, the green light should be given as Members' views have been listened and put on record, he would act

accordingly. But these Members said that he should complete all his performance pledges first! Buddy, he is told to cook dishes for a feast though he has not yet entered the kitchen, not to mention that he has not yet picked up the pot. What should he do? I have no idea.

Some Members said that it is necessary to review the accountability system ..... Certainly, a review of the accountability system is required. After that, these Members said that as a review has not yet been conducted, a new structure should not be set up. If Members have thought about it carefully, they will realize that in proposing a new structure, he must have conducted a thorough review of the accountability system and considers that he will need the support of such a team in order for him to enter the "hot kitchen". He has also presented his justifications. Certainly, Members do not need to believe in every word he said. But they should let him implement his plan first. However, they have merely bombarded him and refused to grant approval to the setting up of a new structure. How can he go into the Government? Should he do so all alone? Members may say, "No, he can do so with the old cast." This may not be infeasible. However, should we bear the responsibility if he fails to deliver on his pledges? In my opinion, given the minor difference between the old team and the new, why not let he set up a new structure!

Some colleagues queried whether he could "fly" with the assistance of two additional Deputy Secretaries of Departments and two Deputy Directors of Bureaux. I can tell you, the answer is certainly in the negative. Do you think that I believe he will "fly"? I do not think so. But anyhow, we will keep on asking questions or monitoring ..... we are a large team and there will be 70 Members in the next term. Discounting the President, there will be 69 Members. Each Member has his or her own thinking and practice. President, it is like a situation where there are "too many cooks for one pot". As everyone has his own practice, let us give him the green light. We are just the crane by the side of a pond. Yes, I have to use this metaphor: the crane by the side of a pond. We really are the crane by the side of a pond. Have we ever worked in the Government? If some Members have worked as a Bureau Director like Mrs Regina IP before, I will believe in you tentatively. However, we have never worked as government officials before. Can we demonstrate our competence and ability in this aspect? Moreover, the proposed structure is somewhat similar to that proposed by Mrs Regina IP. I do not say that they are exactly the same, or else he will be accused of heeding the views of the New People's Party only,

rather than the views of the others. So, I think we should also think about this. As he said that he needs such a large team of officials for him to go into the "hot kitchen", his request should be entertained. Anyway, we still have ample opportunities to monitor him. I can tell Members that there will certainly be ample opportunities to monitor him. There will be 100 or 200 occasions for us to ask questions. There will certainly be plenty of opportunities for him to come here. If Mr CHEUNG Man-kwong serves as a Member of the Legislative Council again, I am sure he will be one of the first to take him to task.

Just now, some colleagues said that filibustering in this Council is the right thing to do because they have been forced to do so. They have resorted to such unwise tactic because they cannot do what they want. But if we think it over in a calm and rational manner, we should not blame the others even though we cannot do what we want to because there are many ways to get things done. Those who say that they have been forced to resort to filibustering are passing the buck in my eyes.

Besides, some Members queried the President for not keeping the gate properly. What should the President do in order to play this role? President, as you have explained it many times, you have acted in accordance with the rules. Rule 91 of the RoP does not stipulate anything in this regard. If someone in the Legislative Council makes it a point to play havoc or a handful of people are doing something regardless of whether they are right or wrong, the President must not grant leave to the Government to seek a suspension of the RoP in accordance with Rule 91. Should the President play the gatekeeping role in such a way? I dare not ask anyone to play this role for us because I think we should shoulder our responsibility for what we have done. We have to stop at a certain point, regardless of whether the course is right or wrong, or else it will bring troubles and frustrations to ourselves. It will even shorten our lives. I think we really have to be guided by our own conscience.

President, as I pointed out earlier, I did not find anything wrong in the RoP. We have also sworn to uphold the Basic Law and this is our commitment. Therefore, in accordance with the Basic Law, we should allow the Executive Authorities to be put in place and start operation on 1 July. If we really want to serve Hong Kong, we should put our focus on improving the governance culture instead of doing something to belittle the Government.

President, I have listened very carefully to the speeches of Honourable colleagues, including those who are much respected by me. Their logic is often inspiring and I respect them very much. But sometimes I may wonder why they would say such words. After careful thinking, I understand that they speak on behalf of their parties because they are required to do so by their parties, or because the pan-democratic camp has adopted such an approach. However, I wish to say a few words to those respectable colleagues: you should not go against your conscience when you speak on behalf of your parties.

We have seen the development of this Council since the British colonial era. After the introduction of direct elections, many Members have spoken on behalf of their parties and worked for their parties, right? However, the development of parties in Hong Kong is no better than this. Is it worthwhile to do so? Most importantly, as Members of this Council, we should be upright people and act according to our conscience. We should understand what should be done. As Legislative Council Members, our duty is to monitor the Government, rather than to belittle the Government. We exercise our power to monitor the Government on the basis of sound justifications and our conscience. Otherwise, we will feel ashamed in front of the 7 million people of Hong Kong.

President, I so submit.

**MR LEE WING-TAT** (in Cantonese): President, the current debate covers issues in many aspects. How we should conduct our business under the RoP of the Legislative Council is one of them. I regard myself as one of the few Members of the democratic camp who respect the parliamentary tradition. Even now, I still bow to the President each time I enter the Chamber. I also bow to the President when I leave. However, some Members do not observe this convention anymore. I always say that it is very difficult to build up the traditional culture of a parliamentary assembly (or the parliament in some foreign countries), but it is very easy to damage it.

President, I have one more thing to tell you. Although a flexible policy has been adopted during Mrs Rita FAN's era, I am still one of the few Members of the democratic camp who do not like colleagues wearing T-shirts or jeans coming into this Chamber. I am also one of the few Members of the democratic

camp who dislike colleagues putting protesting placards and other stuffs on the table.

I have visited the United Kingdom, the United States, Hungary and many other countries. The peoples' respect for the popularly elected parliamentary assemblies is well reflected in many different aspects. It is neither about what to dress when attending a parliamentary meeting nor whether protesting placards can be put on the table. Their respect largely reflects on whether the rules are fair and whether it is a universally accepted system such that different political parties and minorities, though being aware of the fact that they are the minority, can have ample opportunities to comfortably express their own opinions.

The first issue to discuss today is the present procedure. We can say that our current term will expire soon and that there are loads of business waiting to be finished. Therefore, we can say that there are many issues to be dealt with before the expiration of our current term. A colleague said today that a bundle of bills pending debate had led to a "traffic jam".

I would like to remind the Government that anything can happen in this Council. The Government may have no choice but to accept things it largely dislikes as long as they are in order under the RoP. Putting forward amendments, participating in debates and requesting that the summoning bell be rung to summon the Members back to the Chamber when a quorum is not present, all these are things that any Member or any group of Members is allowed to do under the RoP. This is also an arrangement within the Chamber to show respect for the opinions of the minority, allowing them to fight persistently with their weak but peaceful voices or actions in the exercise of their rights under the RoP. This practice is definitely much better than what we saw on television last week. During an election debate in Greece last week, an attendee slapped a woman on her face while pouring water at another woman. This kind of incident does not occur in Hong Kong and everything proceeds in accordance with the RoP.

A colleague also queried in his speech this morning why we should spend so much time debating the replacement mechanism. I hope the colleague will bear in mind that the 1 000-odd amendments were approved by my respectable friend, Mr Jasper TSANG, the Legislative Council President. The colleague should not have raised such a query unless he wanted to challenge and even denounce Mr Jasper TSANG. But he did not do so. Nor did he challenge or

denounce President Jasper TSANG for approving the 1 000-odd amendments. As the President has approved these amendments, they should envisage the consequences. Why should colleagues complain as the President had said that Members were entitled to do so?

You should not make any complaint unless you think that Mr Jasper TSANG has made a mistake, thus resulting in a long debate in the last meeting. As to the question of why Members can request ringing of the summoning bell and a headcount when the number of attendees is fewer than 30, it seems that, as far as I remember, it is stipulated in the Basic Law in very small print that the quorum shall be 30. You may ask members of the Basic Law Drafting Committee back then, including Mr TAM Yiu-chung, why there is such a provision. Why was the quorum of 30 also written into the Basic Law? To my understanding, rarely will any constitution provide for the quorum of a parliamentary meeting. If I remember it incorrectly, Mr TAM Yiu-chung may supplement because I was just a member of the Basic Law Consultative Committee back then. Why matters such as the quorum of the Legislative Council meeting are also stipulated in the Basic Law? It will be most undesirable if the authorities have adopted an indifferent attitude towards things which should be monitored or important, while laying down express provisions on unimportant matters.

The authorities are unwilling to amend the Basic Law even though the problem of "doubly non-permanent resident pregnant women" has arisen. Should we request the Standing Committee of the National People's Congress to amend the Basic Law in order to deal with the issue of quorum? Certainly, our request will not be entertained. Why did colleagues not raise this point? Why is it that this provision was laid down back then? What did the authorities want to prevent from happening by writing the requirement of quorum into the Basic Law?

President, in my opinion, if the Government has all sorts of grounds to adopt some procedures which are different from the usual arrangement, there is no guarantee that Government will not discard the full set of RoP again in the future on the pretext of other reasons. It is easy to do this as motions involving relevant procedures are proposed by the Government, without the need of going through separate voting. That means the Government can ignore the views of the minority in this Council when pushing through measures desired by it.



I once said that the House Committee is responsible for internal housekeeping. In other words, apart from matters to be dealt with by this Council, the House Committee will also tackle problems between the executive and the legislature through collective discussion as a channel of consultation. May I ask Mr LAM whether this procedure has been submitted to the House Committee for discussion? According to my memory, the answer is in the negative. I stand to be corrected if my memory is not correct. Why did the Government not submit this procedure to us for discussion? Can the Government do the same in the future if it can have its way this time around?

President, the second issue is: many people have expressed their views and asked why we did not give the Government the opportunity to try it out so that the Chief Executive elect would have the opportunity to implement his platform with his whole team when the new-term Government started operation. The result of his governance could be reviewed after a period of time. I think this is one of the topics that worth debating in recent days.

Indeed, the President elects of other democratic countries would rarely be questioned by the opposition party when forming their ruling teams. It is mainly because they have the people's mandate. The minority parties in the parliament should not block the forming of cabinet or identifying of senior government officials by the president or prime minister who are returned by the people because they have the people's mandate. However, this is not one hundred percent true because some important positions in foreign countries are also subject to the scrutiny of the senate before approval is granted. But there is no such provision in Hong Kong. As far as I know, if my memory is correct, many ministerial posts and important positions in Taiwan are subject to the approval and debate of the parliament.

I remember that in the colonial era, I once proposed that the Legislative Council be consulted on any change to the posts and key positions in statutory bodies. But I was heavily criticized for imposing a hurdle in the way of identifying and selecting the right candidates by public organizations. My proposal was considered undesirable if approval was not granted by the Legislative Council after consultation, or embarrassing questions were asked in the course of consultation. I do not know whether colleagues still have such a mentality. But I hope colleagues will understand that any person who has decided to hold public office should be prepared to face questions from the public. A person who has public power should answer questions from the public

as a matter of obligation, and every person who has public power should be prepared for this, including myself. We may face some comments which are considered unreasonable by ourselves. Sometimes we may get angry, but we have to accept it. Secretary and Honourable colleagues, it is because we have public power and the public have higher expectations on us than ordinary people. This is hardly surprising. Do we have such expectations on uncles and aunts living in Kwai Chung Estate or Ngau Tau Kok Estate? No, because they do not have such power.

Now, owing to the lack of due procedure, we do not know the composition of the cabinet. A very senior Member of the pro-establishment camp, rather than the democratic camp, once told me that the so-called cabinet in the past or at present was poorly organized and it was doubtful whether they could be called the cabinet or regarded as the cabinet. Some colleagues said that they should be given the opportunity. We do want to give the Government the opportunity so that it may consider the introduction of party politics. This may facilitate the setting up of the governance team after the Chief Executive Election as in that way the Chief Executive elect would not have to ask around who is willing to join his team.

In fact, I have repeatedly put forth this suggestion, not only in this term, but also in previous terms. I asked Mr TAM Yiu-chung, Mr LAU Kong-wah and many others why we did not tell "Grandpa" that party politics should be introduced in Hong Kong. Even though no single party will dominate, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), which is the largest political party in the pro-establishment camp, should take the lead and set up a coalition government with other parties. In that case, it is not necessary to go through this procedure, and I also consider this more straightforward. They will become the ruling party, and we will be the opposition party. Their responsibility is to support the Government's policies and this will also be a good thing for the Secretaries of Departments and the Directors of Bureaux. But this is not the case today. The FTU may support and defend the Government today. However, when other policies are discussed, they may criticize the Government in much vicious terms than the Democratic Party. I am not sure what kind of political party or political group it is. That such a scenario should arise is precisely due to the fact that we do not want to implement party politics, reluctant to adopt such approach. If such an approach were adopted, I think the Government would find it much easier to set up a new system.

We have raised a lot of questions in panels, the subcommittees relating to the relevant resolutions or the Finance Committee. If we do not repeatedly raise these questions, we simply cannot get any answer. This is the current situation because our Government cannot forge a consensus under party politics. It is not a government which has garnered the support of a well-functioning parliamentary system since the Beijing Government does not allow the cultivation of party politics in Hong Kong or give Hong Kong the opportunity to have party rotation as in Taiwan. The implementation of party rotation may just be my wishful thinking as this may not be feasible even on the day when I retire.

Just now Mrs Sophie LEUNG discussed the problems of individuals in her speech. In fact, individuals have no part to play in most parliamentary systems. We may be discontented with political parties and the parliamentary system. But when talking about democratic society or political parties, no professor of political science will say that a democratic system can be built upon individual preference. Even though one may dislike party politics on the ground that it will focus on collectivism at the expense of the problems of individuals, this comment is similar to my view of democracy. In my opinion, democracy is not perfect and it has a lot of demerits. Moreover, those who are elected are not chosen on the basis of their ability or competence, but their popularity and degree of popular support.

But Sophie, there is no other alternative as there is only one system in the world. Though it is not perfect, it has the least demerits. And this is the democratic system. By the same token, although party politics is not the best, no truly democratic country puts aside party politics. I have not found any system which can claim to be democratic by relying on individuals rather than political parties. Nor can any system claim to be democratic without implementing party rotation in a formal manner. No professor of political science or a democratic country/region has ever claimed any experience of democracy being formed and implemented by an individual. I have never heard of this.

President, I thank you for not stopping me for digression. However, if we do not get to the bottom of the problem or ponder it deeply, disputes on procedural matters will arise again precisely because of the conflict between the executive and the legislature. Of course, some colleagues may say that the setting up of a democratic system does not necessarily mean that conflicts can be

prevented. However, let us take a look at the House of Commons and Senate of the United Kingdom and the United States respectively, where the parliament can tackle filibustering with the people's mandate as there is a system to deal with the views of the minority. No one in the parliament will have strong views on how such issues are tackled. The reason is simple. If the parliament is returned by the people and 60% of the people oppose filibustering as shown by the system, then filibustering will be disallowed. In that case, how can anyone raise objection as the decision is supported by a 60% mandate of the people? The problem we are facing now is that no one dares to express his view. Who can say that he does not like filibustering and thus filibustering should be curbed? Is this in line with the wishes of the people?

Thank you, President.

**MS EMILY LAU** (in Cantonese): President, I speak against the motion moved by the Chief Secretary for Administration on the suspension of Rule 18(1) of the RoP, because I think that it is totally unreasonable. As many colleagues have already said, we should respect the rules of this Council. The Chief Secretary will soon be going to the United Kingdom to study theology, so why does he not join us to respect the rules? He said that this resolution under debate today has urgency, but he should know at the same time that this Council is caught in a "serious congestion". In fact, had he given a notice 12 days in advance, he would not have got the President involved. As it was mentioned earlier, the Government already stated last month that this resolution would be tabled to the Legislative Council. It was stated a long time ago, and the Secretary should be aware of the congestion for a long time. Then why did he not give a notice 12 days in advance, telling us that this resolution would be discussed in the Legislative Council on 20 June? No notice was given in the morning and afternoon yesterday, and a letter was sent to the President only at night, requesting the President to exercise his power to waive the notice requirement for the resolution to be discussed in the Legislative Council now, thus inviting criticisms against the President.

President, sometimes I do not quite understand why you would seek our views on such simple matters as arrangements for meals and extension of meetings, but not on important ones. Is it because of the Government that you are unable to make judgments sensibly? Many Members have said this and so, I do not wish to dwell on this point, but President, you must bear in mind that you

are the President of this Council, and I, being the Chairman of the Finance Committee, will consult my colleagues on many issues, and I have to make judgments sensibly on many issues. We must be answerable to other people and to our own conscience in everything we do, and we must pass the test of public monitoring and comments.

Anyone who has taken the office of the President must have to bear a lot of pressure, but I think what the Government has done this time around is most wretched indeed, and it is actually unnecessary to put the President under such pressure. Besides, some time ago when they gave notice to kick-start discussions on the reorganization proposals, they said in the beginning that funding approval should first be sought from the Finance Committee for the creation of the posts before a resolution would be tabled. I even asked why it should not be done the other way round by first tabling the resolution for passage by the Legislative Council before submitting the funding proposal to the Finance Committee. The officials said categorically at the time that it must be done this way as this is a transfer of powers, and that if the posts are not created, how can a transfer be possibly made? While their words are still ringing in our ears, they are now overturning what they said. As the Finance Committee is also caught in a "congestion" and the funding proposal has yet to be passed, they are nevertheless suggesting that the transfer of powers should proceed first, disregarding to where the powers will be transferred, and that the next step can be planned after the transfer is completed.

Do the authorities know what credibility is? How outrageous it is for things to be handled this way, and this is like tossing a coin and saying "heads you win, tails I lose". Where is there credibility to speak of? If the authorities cannot even justify what they said a short time ago, the effects will range from setting a bad example to children to causing their credibility to bankrupt. Worse still, they have even dragged the President into troubles for no reason, stirring up more contentions in this Council. This is really unnecessary.

In debating issues and criticizing the Government and other people in this Council, I believe the Democratic Party and I, Emily LAU, will by all means make it not personal. This is why when we were having our meal outside this Chamber earlier, we were on amicable terms with Members on the opposite side, because we target issues, not individuals. Perhaps it is the wish of some people to see many of us in the Democratic Party not being allowed to visit the Mainland for more than two decades but in spite of this, we still target issues, not

individuals. However, what did Mrs Sophie LEUNG say earlier? She said that Members had masked their conscience in what they said. I do not know who she was referring to, and how these Members masked their conscience. President, this is a very serious allegation, but she did not elaborate the reasons. Perhaps it is just because we do not support the suspension of the RoP and we are not biased in favour of the Government or we have done something to "get in the way", just as Fanny LAW has said. If this is what she means by masking the conscience, has she not gone too far in making this comment?

She added that we are only voicing opinions for our political parties. This is actually what the authorities most like to say, and they think that political parties are not qualified to represent public interest, for they only represent the narrow interests of political parties. People will then ask, if that is the case, who represent public interest? The Government will say that the Administration represents public interest. How nonsensical indeed! However, some Members are "poisoned" by this view. Is there anything wrong even if we represent the interests of political parties? It is most important that our political parties represent public interest, or else we would not have been elected as Members of this Council. Therefore, never vilify the reputation of political parties. When we discuss a certain issue, let us discuss it according to the facts. What good does it do to give a person a slap and then give another slap on his political party? This will only sow more hatred and hostility, which is perhaps what the authorities would very much wish to see.

President, it was not many years ago that we managed to reach a consensus among the eight parties, and that enabled us to make concerted efforts for Hong Kong. I still remember that during the SARS outbreak, I asked you whether we should hold a joint meeting to discuss the isolation of Amoy Garden. You replied in the positive and the eight political parties immediately held a meeting and decided in less than 45 minutes that isolation must be enforced. As TUNG Chee-hwa was in panic and stricken by fear at that time, the then SAR Government drummed up the courage to announce this measure only more than a week after we in the eight political parties had proposed it. President, that was the time when the Legislative Council enjoyed the highest popularity because the public most wish to see that we can do practical things. They do not wish to see us attacking each other and accusing each other for not acting with conscience. But who has destroyed all this? It is "western district", isn't it? It is because the pro-government camp does not wish to see co-operation among us.

President, the authorities do not at all encourage discussion and negotiation among political parties in this Council, such that concessions and compromises to be made to enable us to do practical things together.

This is what many overseas representative assemblies have done, too, just that the SAR Government of Hong Kong refuses to do it. President, why does the SAR Government refuse to do it? Because they have the backing from you and your party comrades, as you are telling the Government, "Don't make any compromise. We will give you our votes to crush them." Regrettably, not only the democratic camp is crushed, the hearts of Hong Kong people are also crushed. People always say that while it has been 15 years since the reunification, there is no reunification of the people's hearts.

As LEUNG Chun-ying has a low popularity and does not have a honeymoon period, how is he going to start his governance? President, they have kept on talking about "five Secretaries of Departments and 14 Directors of Bureaux", and they are also talking about creating new posts and visiting the districts. As we all know, in order to achieve effective administration and social harmony and in order to improve governance, the first thing to do is to forge co-operation with this Council, so that this Council will have powers and responsibilities as well as a part to play in making decisions on many important policies. In that case, President, the Government would not face criticisms from a majority of Members when it tables motions to this Council.

Many accountable Directors of Bureaux and civil servants have said that when they come to the Legislative Council, they find that 59 Members are all in the opposition. President, many of them are scared. They are not only scared of the democratic camp, because the pro-government camp sometimes turns a cold shoulder on them mercilessly, and they criticize the Government even more ruthlessly than we do. But sometimes, they will side with the Government so long as there is a good reason to do so. The reason is simple, and it is: You give me your support, and I give you mine.

President, some people said that every person has a price. Some Taiwanese friends who came to Hong Kong were astonished and said, "So you democrats are still here. I thought that the communist party would eliminate all of you once it got Hong Kong back." That is, we would be either annihilated or bought off. But we are still standing here. Perhaps it is "one country, two

systems" that is backing us up, or perhaps some people simply cannot be bought off so easily.

In any case, we are here today to speak the minds of many people. The public know that many proposals may probably be passed. They do not wish to see us starting a revolution or throwing stones and burning cars outside. They want us to express their anger in a peaceful and rational way without resorting to violence and foul language.

Furthermore, why such haste? The Chief Secretary hosted a press conference yesterday, telling reporters that he had contingency plans — *Wen Hui Pao* has covered this — He said that if the reorganization were held up, the new Government would swear in under the old framework, and he added that there would not be any problem. President, what did he actually say? He said that there would not be any problem at all. According to reports in *Sing Tao Daily*, when the Chief Secretary was asked if it was impossible for all members of the new team as proposed in the new system to swear in on 1 July, would further changes be made to the details of the posts in future ..... He said that this would not cause any confusions. He also pointed out that the current-term and new-term Governments have already discussed this and so, he considered that the next-term Government would be able to cope with such a situation.

LEUNG Chun-ying said that the sky would not collapse, adding that even if all the procedures could not be completed before 1 July, the Finance Committee would still approve the funding. It will be approved sooner or later, just that I have no idea when it will be approved. But this has nothing to do with me, for the decision rests with Members. Once the Finance Committee has approved the funding, the officials can take office five days later. So why all this haste?

President, we do not understand why the Chief Secretary has deliberately played a trick on you, deliberately disrupted the order of this Council, and deliberately engaged Members in such a long debate. I forget whether it is a news report yesterday or on the day before yesterday that pointed out that Donald TSANG actually does not want the debate to come to an end soon and that he actually supports filibuster. President, what is his design? He does not want us to start debating the motion relating to him as he is afraid that he will be



impeached before 1 July. You should have read this news report. I did not fabricate this news story, nor was it written by me.

So, President, the background is actually very complicated. I really have no idea which side the Directors of Bureaux and Secretaries of Departments support. It is their own business if they fight among themselves, but they must not cause disruptions to our order, and they must not cause another fierce row between the President and us. They should have been able to give a notice 12 days in advance but they did not do so, but plunging us into this situation instead. As a result, for how many hours will we have to debate? It may probably take us 10-odd hours more. Then, another debate will ensue and we will have to spend some 20 or 30 hours more debating the resolution. This may be what some people in the Government would wish to see.

But anyway, to sum up, if the authorities wish to make Hong Kong a better place, the first thing they should deal with, as I already said during TUNG Chee-wah's era, is that this Council is very important ..... government officials have been talking about visiting the districts to do this and that, but nobody has said that the first thing to do is to forge co-operation with this Council. It is fine if co-operation is not forged with the Democratic Party. The Government can forge co-operation with people who share its aspirations and goals. This is why Ms LI Fung-ying asked them the other day whether they know what it means by "Men of totally different principles can never act together".

Now that they have gone so far as to rashly recruit people to join the Government, and they even said that members of the opposition camp will be recruited as assistants in the Government. If they are sincere in forging co-operation, a ruling coalition should be formed to share out powers and responsibilities. If they can have sufficient votes in this Council, while it does not mean that they will not encounter problems in this Council, they will be able to iron out a lot of questions. But they have not done so and instead, they are even deliberately stirring up troubles and quarrels in this Council. This is why I have no idea which side he is on. But I do not care. All I hope is that he and the other Members will target issues, not individuals and that they will not make scathing remarks.

**DR PAN PEY-CHYOU** (in Cantonese): President, with regard to the motion under discussion now, which seeks the President's permission to suspend Rule 18(1) of the RoP, the four brothers of us in the FTU support it.

First of all, we must consider why such a motion is proposed. Rule 18(1) stipulates the order of business at a meeting. In other words, the suspension of this Rule means that the President can make adjustments to the order of business to be dealt with at a meeting. I think Members all know very clearly that the purpose is to allow us sufficient time to conduct discussions and to vote, in order to make a decision on this important issue of reorganization of the Government.

Why should this be done? I think as Members all know, the new-term Government will commence operation on 1 July. Even if the relevant resolution cannot be passed before 1 July, as pointed out by Mr LEUNG Chun-ying and repeatedly cited by many Members, the sky is not going to collapse. But what situation will arise? In other words, the new-term Government will have to be set up according to the current organizational structure, which means that insofar as some posts are concerned, it will be impossible for their office bearers to take office. For example, while arrangements are originally made for some people to take charge of certain responsibilities, as the reorganization cannot be completed or achieved, these people, therefore, cannot carry out the relevant work.

On the other hand, the terms of reference of some posts may be different after the reorganization but as the proposal has not yet been passed, it will be impossible for them to operate according to the new structure. In other words, there will be a period of awkwardness, during which the Government's operation will be quite embarrassing because everyone expects the structure to be reorganized shortly, but when can it be completed? How can the Government operate in the current circumstances? People will feel as if 15 buckets are hanging in disarray, and a period of awkwardness will hence be resulted.

If the reorganization can be approved before 1 July, the full team of the new Government can assume office on 1 July and start working towards the policy objectives of the Chief Executive elect. I think this will be a good beginning for the new-term Government. Frankly speaking, to people who have expectations of Hong Kong and who hope that Hong Kong will achieve success and advancement, they will be glad to see the completion of reorganization of the

new ruling team as soon as possible. They do not wish that it will be achieved in two parts, resulting in a so-called period of awkwardness.

Regarding the motion proposed by the Chief Secretary for Administration in this Council on the suspension of Rule 18(1) of the Rules of Procedure, why does he take this step which can be regarded as unusual and even extraordinary? As many Members in the opposition camp have said earlier, this is like doctors treating patients. A person who is healthy does not need any injections and medication but when he falls sick, he will need an injection and medication, or even a surgery. This Council has indeed fallen sick. What is wrong with it? It suffers from the "filibuster disease". It has been almost two months now. Some Members have kept on filibustering on irrelevant issues and government bills. At first, I called the Members concerned the "filibuster trio" and now, we can see all the more clearly that Members in the opposition camp are fully engaged in this "filibuster game", as they have continuously caused delays on three battlefronts which include the Finance Committee, the House Committee and the Legislative Council by speaking on some very minor and even irrelevant issues in a bid to slow down deliberations. If the public have listened to the discussions of this Council recently, I believe they will all have this impression.

Frankly speaking, our work in this Council is seriously lagging behind. I have not done any computations but when I read from press reports that 20-odd motions and bills have not yet been passed so far, not to mention the motion on government reorganization, I think we have failed to live up to the expectations of the taxpayers and people of Hong Kong.

Why do Members in the opposition camp have to do this? I have tried to understand their reasons but I must say that sometimes it really beats me. Perhaps they will take exception to my view, but I think that their intention is to bog down the Government's reorganization proposal. The first step is to put it off until after 1 July, so that the new ruling team of the Government cannot take office according to the reorganization proposal. Their next target is to put it off until after 18 July when the current term of this Council will end. Then, I think their next step will be to further put it off until five years later, so that the next-term Government can never complete reorganization. What will become of the new-term Government? It will not be able to operate according to the policy agenda of the Chief Executive elect and as a result, the new Government will lose face and its image will be tarnished. It will be crippled even before birth.

All this is evident to Hong Kong people. What about public opinions? There are views from both sides. I always listen to phone-in programmes and most people who called in have expressed their views very clearly. Most of them hold that "CY" should be allowed to take forward his work and he should be given some time. They said that they would wish to see whether he can do what he has promised to do, and that if he cannot honour his pledges, it will not be too late to take him to task then. The results of an opinion poll published yesterday show that over 50% of the respondents support the reorganization, and less than 30% of the respondents oppose it. We can see that public opinions are clear.

In this connection, I really hope that colleagues in the opposition camp in this Council will think about this, because Hong Kong people do have expectations of colleagues in the opposition camp. What expectations do the public have in them? Many Hong Kong people have expectations for democratization in Hong Kong. They hope that there are Members and political figures who can keep a closer watch on democratization and the development of democracy and monitor the Government more stringently for them. Why? I think some people of Hong Kong, for historical reasons or whatever reasons, really do not have adequate confidence in the promises made by the Central Government.

I personally do not have this misgiving, and neither do many people whom I know. We have confidence, and we believe that as our State or the Central Government has made an undertaking through the Basic Law that dual elections by universal suffrage will be implemented at a certain time in Hong Kong, this undertaking of dual elections by universal suffrage is definitely true and beyond doubt. I believe this solemn promise made by our State will definitely be honoured. However, there is no gainsaying it that some people of Hong Kong do not have such confidence, and they hope that a pan-democratic camp can help promote democratization more vigorously for them, while we have taken a gradual approach on this issue. There are indeed some people in society who feel a bit more anxious and so, they need the pan-democrats to represent them and speak up for them.

But irrespective of one's political stance, what are the common aspirations of the 7 million people living in Hong Kong? They hope that the Government can do practical things, that it can address the problems in respect of the people's livelihood, that it can make Hong Kong a better place, and that it can enable the

7 million people to truly live in peace and work with contentment in Hong Kong and enjoy affluence, freedoms, human rights and rule of law in Hong Kong. The public need political figures like us to provide support to the Government by all means for it to get all these jobs done. If the Government is wrong in what it does, we will oppose it, in the hope that we can pull the executive departments onto the right track. But our ultimate wish is that we can all work of one mind and make concerted efforts, so that Hong Kong can move in a good direction.

What kind of political parties that Hong Kong people do not need? They do not need those completely unconstructive political parties, or political figures and political parties with no achievement, no involvement and no contribution whatsoever over issues relating to people's livelihood and of the utmost concern to Hong Kong people. Hong Kong people do not need those political parties that entirely do not assist the Chief Executive and the Government in administration and know nothing about providing support, and even passed strictures on its younger members who have only applied for government posts in order to contribute their own efforts. Hong Kong people do not need those political organizations that only impede the Government's advancement and pull the leg of the Government.

Hong Kong people do not need political parties that only make use of their professional knowledge to oppose or impede any forward progress of Hong Kong. These political parties know only to pander to outworn beliefs and they know only to preserve and cling to everything of the colonial past by all means. They oppose everything that can strengthen the tie between Hong Kong and the Mainland and enhance their co-operation, and they oppose, obstruct and question everything that enables Hong Kong to know more about the Mainland and facilitates Hong Kong's understanding of the Mainland system and promotes alignment between them.

Hong Kong people do not need political parties that only champion for the opening up of Hong Kong to the international community without providing any protection. Hong Kong people do not need political parties that purely call for actions to be taken faster, faster, faster, and urge that democratization be achieved tomorrow .....

(Ms Audrey EU stood up)

**PRESIDENT** (in Cantonese): Ms Audrey EU, what is your point?

**MS AUDREY EU** (in Cantonese): A point of order. With regard to what Dr PAN has said in the last three or four minutes, can I ask how it is related to this motion today?

**PRESIDENT** (in Cantonese): Dr PAN, please do not stray from the question. For the views that you have just expressed, how are they related to this motion?

**DR PAN PEY-CHYOU** (in Cantonese): President, they are related. I was explaining why this motion today should be passed, and it is precisely because some forces have kept on holding back advancement, and I was explaining why these forces will be an obstacle to advancement.

President, I hope that you will allow me to finish the small remaining part of my speech .....

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): I have been chided by you many times as you always said that I had strayed from the question. If you think that he did not stray from the question, I would certainly obey your decision but if I do so in future, you should not say that I have strayed from the question.

**PRESIDENT** (in Cantonese): Mr LEUNG, it is for me to rule whether or not a Member has strayed from the question. Dr PAN, please pay attention that you should speak with relevance to the question. You may go on now.

**DR PAN PEY-CHYOU** (in Cantonese): I always pay great attention to it. Hong Kong people do not need political parties that only urge that democratization be achieved tomorrow or the day after tomorrow but do not co-operate with political organizations that hold relatively conservative and moderate views and are also working in pursuit of democracy.

I think Hong Kong people are calling for a true pan-democratic camp, and I would like to see whether colleagues in this Council are willing and have the courage to answer this call.

I so submit.

**DR JOSEPH LEE** (in Cantonese): President, I have been listening to Members' speeches after dinner. I am wondering whether we are already in the process of discussing the resolution on reorganization. The comments I have heard include the need for this resolution to be passed immediately because its passage will facilitate the next-term Government, the numerous benefits brought by this resolution, the benefits to the operation of the next-term Government, and so on. Certainly, some Members consider that the passage of this resolution, which is about the five Secretaries of Departments and 14 Directors of Bureaux, will cause a lot of harm. After glancing through the RoP and listening to the matters mentioned by the President today, I find that we should actually be discussing a motion on whether or not Rule 18(1) of the RoP should be suspended, or simply put, whether the Government should be allowed to "jump the queue" by temporarily removing the bill related to MPF, which was being debated previously, to make way for this resolution proposed by the Government.

The speech I am going to deliver is targeted at this part. I hope the President will not accuse me of straying from the question. I will also try to speak to the question by all means. At the present stage, we are not discussing whether five Secretaries of Departments and 14 Directors of Bureaux or the reorganization proposal is good or bad. Neither are we holding a Finance Committee meeting, for some Members might raise some very trivial and frivolous questions or request a fresh explanation because they find the explanation already given not detailed enough. I am not going to discuss all these matters. Nevertheless, I know that Members sitting here in this Chamber today ought to discuss such a serious topic. Why?

I have gone through the Basic Law and the RoP. It is spelt out clearly in Articles 73(1) to 73(10) that one of the functions of the Legislative Council is to question the Government on its work. I am not a long-time Legislative Council Member, for I have joined this Council for about eight years only. I do not see any provision in the Basic Law stating that we must complement the Government's work. I only know that, as Legislative Council Members in this Chamber, we ought to discuss whether the Government's work is appropriate and timely. On this premise, I can see that over the past four weeks or so, Members in this Council, whether they are engaging in filibustering, suffering the illness of filibustering, or showing signs of this illness, have all been losers for we have to sit here fighting like cornered animals.

Some colleagues would joke during meal breaks as if they were prisoners set free for their meals. Why would they sound like they were inmates in prisons? Only prisoners would say something like that. I think colleagues said so probably because they were glad that during the time when they were set free for meals, they could ignore the ringing of the bell. Otherwise, as I mentioned just now, they would have to rush back to the Chamber a couple of bites again and again ..... I have strayed from the question a bit here.

But why would such things happen? In fact, there were signs of this condition in this Legislative Council over the past four weeks. Members might have grown accustomed to the ringing of the bell, pressing of the buttons, and hurrying back to the Chamber every day. People who have studied psychology should know that PAVLOV had conducted an experiment showing associations between sounds and behaviour. This is a classical example in psychology. I believe this phenomenon could be seen in this Council over the past four weeks.

President, why am I discussing all these things? The main reason is that this phenomenon has led to a "gridlock" in the Legislative Council. Look, discounting bills and resolutions not yet tabled, we have supposedly seven bills and 15 resolutions lagging behind and awaiting discussion. Today, we are not discussing whether or not these questions, resolutions and bills are so crucial that people's livelihood will be affected and some people will be affected if they are not passed. But these are all facts. They can already be seen over the past four or five weeks. I believe the Government must be aware of this. I might not know about it probably because I might not follow up some of the bills. Perhaps the Agenda is so thick that I cannot possibly go through the Agenda items one by



one. Or perhaps I have not taken notice of other Agenda items because, being a functional constituency Member, I only focus my attention on the affairs of my own profession. The SAR Government, however, should be absolutely clear about the fact that, excluding Members' bills, so many bills and resolutions have lagged behind. We have even joked about the possibility of proposing a valedictory motion, because our meetings have been scheduled till the evening of 17 July. There might be no time for us to have our meals and we still have to listen to the ringing of the bell. It might not be possible for us to discuss the valedictory motion, but this is a digression.

Nonetheless, the SAR Government should absolutely be aware of the emergence of this phenomenon over the past several weeks and clear about the priorities. Today, the Government has suddenly made a proposal to you, President, through some sort of a procedure, indicating that a very urgent resolution must be discussed first and, in this connection, the bills of which discussion has been scheduled have to be removed for the time being. I find it very strange that, given the prescribed 12-day period for giving notice, should the Government have foresight and know that the resolution on the reorganization proposal is so important that it can facilitate the seamless transition as proposed by the current-term Government, why did it not give notice to the President well in advance to inform him of when it intends to deal with such an important resolution?

I am aware that the Legislative Council is suffering from the illness of "filibustering", and so a lot of things will lag behind. My opinion is, the reorganization proposal and the proposal on five Secretaries of Departments and 14 Directors of Bureaux are relatively important, for they can facilitate a seamless transition between the current-term Government and the next-term Government, whereas the seven bills and 15 resolutions and some bills not yet included on the Agenda can be allowed to lag behind. So, the Government should have made this technical arrangement a long time ago. Should that be the case, we will not face such situation today and the President will not be under unnecessary pressure, for he could have exercised his discretion to approve this arrangement. Moreover, there is no need for us to waste so much time — sorry for using the word "waste" — spend so much time to discuss whether this motion should be passed to allow the relevant resolution to "jump the queue", though we are not supposed to discuss whether the resolution should be passed now.

Hence, personally I find this technical arrangement very strange and unsatisfactory, for it is incumbent on a responsible government to keep itself posted of the situation. I believe people who have studied public administration will understand that this is what the Government can do within its capacity to pre-empt the occurrence of this scene today. Members might probably think that the Legislative Council was seriously ill in the past several weeks. Just now, some colleagues said they did not know what to do because the Legislative Council was seriously ill. It does not matter whether or not the Legislative Council has fallen ill. But why did we not do something to relieve its condition, as we were already told well in advance that it had fallen ill? Why did we, to put it rudely, give it one more kick to make it even worse? It is incomprehensible to us.

In this Chamber, I as one of the Legislative Council Members do not think that it is incumbent on me to assist the current-term Government in disrupting the order of the Legislative Council. The Government should have known a long time ago the significance of this resolution, hence the existing mechanism should be invoked at that time to enable this issue to be brought up for discussion at an early stage. Certainly, I do not know if it is because Members have resorted to filibustering in the Finance Committee by raising frivolous questions that it is impossible for meetings to be convened by the Finance Committee as early as possible. Since the Government cannot wait any longer, the resolution might as well be tabled at the Council meeting. If this is the logic of the Government, it appears to have some deficiencies in making arrangements of public administration. Based on this principle, I will not support this motion.

Thank you, President.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): President, though it is not yet time for me to speak, as no one is going to speak now, I will deliver my speech first. First of all, I have to use my speaking time to issue a lost and found notice. I have found in the Ante-Chamber a name card bearing the name "Deputy Director of the Liaison Office of the Central People's Government (LOCPG) in the HKSAR, WANG Songbai". The colleague who has lost this name card may approach me. It is really remarkable that such an unexpected incident has

occurred today and I have suddenly found this name card belonging to Mr WANG Songbai. I wonder if he is here for tea, but I did not see him. I wonder where he is .....

(Mr Albert CHAN interrupted in his seat)

**MR ALBERT CHAN** (in Cantonese): President, has this Council been turned into a LOCPG office?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please raise your hand to indicate your wish to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, please enlighten me later who this WANG Songbai is. President, do you know him? Can you please give it back to him .....

**PRESIDENT** (in Cantonese): Mr LEUNG, what is the connection between your present speech and the motion?

**MR LEUNG KWOK-HUNG** (in Cantonese): Because I suspect that he has issued an order to require colleagues to support LEUNG Chun-ying. Is there really such a thing? Do you know him? Give him back his name card .....

**PRESIDENT** (in Cantonese): Please confine your speech to the motion under discussion.

**DR PHILIP WONG** (in Cantonese): President, it is stated clearly in Rule 41 of the RoP that "a Member shall not impute improper motives to another Member". Many Members have implied in their speeches this evening that some other Members have ulterior motives, citing "royalists", "filibustering", and so on. I

think speeches implying such motives harboured by other Members have contravened the RoP.

**PRESIDENT** (in Cantonese): It is a matter of opinion as to whether "royalists" and "filibustering" are improper. *(Laughter)* Mr LEUNG Kwok-hung, please do not stray from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, since Mr WANG Songbai is nowhere to be found, we might as well forget about it.

What are we discussing now? We are discussing the Government's failure to comply with the requirement of Rule 91 of giving notice within the 12-day notice period. On the contrary, it has taken advantage of your consent, though you dare not give immediate consent by invoking Rule 92. In fact, you can get this issue resolved by combining Rules 91 and 92, for Rule 91 plus Rule 92 is Rule 91.5. You may just invent something like Rule 91.5. Why did you, given your superb intelligence, not act in this manner? Because you feel ashamed, too. This is why you gave us this chance for discussion.

President, do we have to put the motion to vote? Should it be treated as a government motion or a Member's motion? If you, President, do not think that you can decide, the motion should be put to vote as a Member's motion, right? Not only have you ignored the Government's request to discuss this matter, but you have also refused to exercise your power. On the contrary, you requested the Government to approach us for putting the motion to vote, thereby making separate voting impossible. This is really the dirtiest trick of all .....

**PRESIDENT** (in Cantonese): Mr LEUNG, as I have already said, please do not discuss the ruling I have made again.

**MR LEUNG KWOK-HUNG** (in Cantonese): I know. We might as well discuss your views published in the *Ming Pao Daily News*. In your opinion, LEUNG Chun-ying must mend his relationship with the pan-democracy camp. This was your remark, buddy.

**PRESIDENT** (in Cantonese): How is its relevance to the current question?

**MR LEUNG KWOK-HUNG** (in Cantonese): It has. Because LEUNG Chun-ying deserves a death penalty for refusing to heed your advice. He has not heeded your advice, and he suppresses the pan-democracy camp .....

**PRESIDENT** (in Cantonese): Mr LEUNG, we are discussing the motion moved by the Chief Secretary. Please do not stray from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I did not instruct you to be interviewed by the *Ming Pao Daily News*. I have merely quoted your words. Since you do not like it, I have nothing to say.

There is someone called Jasper TSANG in Hong Kong who commented that LEUNG Chun-ying should mend his relationship with the pan-democracy camp. Is what he is doing today aimed at making amends with the pan-democracy camp? I have a friend who lives in a village house in Sai Kung. I was once invited to a meal at his home, and when I stepped into his house, the 12 dogs kept by him began to bark. As a result, he beat the dogs, saying that they should not have barked at someone on their side. Can we consider this an improvement to relationship? Should he really wish to improve relationship, he should have said, "Don't bark, 'Long Hair' is my guest", right?

**PRESIDENT** (in Cantonese): Mr LEUNG, I cannot see how your speech is related to the motion. Please do not stray from the question again.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, they are related. If only Mr LEUNG Chun-ying can treat us with courtesy and convene a meeting in this Council or, like Donald TSANG, address this Council here. As I have indicated to you in private, he should deliver a parliamentary address to explain how miraculous the idea of "five Secretaries of Departments and 14 Directors of Bureaux" can be or all sorts of things, for we will give him support should he do so. However, he has not done so. On the contrary, a lady called Mrs Fanny

LAW was sent here to negotiate with us and then warn all people in Hong Kong that there would be adverse consequences if the proposal on "five Secretaries of Departments and 14 Directors of Bureaux" could not be implemented. What sort of attitude is that? Why can he talk to Hong Kong people in that manner but not explain to Legislative Council Members? Who does he think we are? Who does he think you are? Who does he think Chief Secretary Stephen LAM is?

Just now, I heard a most ludicrous comment, though Dr PAN Pey-chyou is not here. Mr WONG Kwok-hing, who has gone missing day and night, is missing again. The comment is: Some people hope to stop the Government from operating. But, sorry, the Government can definitely continue to operate, albeit not in the manner Mr LEUNG Chun-ying has anticipated.

President, you pointed out in page 81 of your own book *Peng Jian Ji* 《蓬間集》, and I quote to this effect, that "the Government should not be reorganized hastily". Certainly, being a gentleman, I will not interpret this line as reference to this matter because your remark was intended to warn the Government not to restructure the Executive Council hastily, as it was pointless to do so. These are your own words. You must not scold me for quoting from your book. Even though the restructuring of the Executive Council is so trivial, you have warned the Government not to do so hastily. In comparison, the scale of the current reorganization is enormous. The lesson learnt from your relevant advice is that it is undesirable for the Executive Council to be restructured, and the proposal should not be put into implementation immediately. Moreover, it is pointless to do so. Instead, the Government should make more district visits, do more practical work, and discuss more with the pan-democracy camp. Given such a big gesture made by the Government today, if we do not try to stop it and examine it more closely, what can we do should the motion be passed?

President, it is not that you do not understand this logic. This is your own work. You have made criticisms from the very beginning of the book, targeting everyone from TUNG Chee-hwa to Donald TSANG. I wonder if you dare not make criticisms or find it impossible to do so now, given that you already are President of the Legislative Council. LEUNG Chun-ying has failed entirely in doing everything you mentioned. But still, he has come up with such a colossal proposal of reorganizing the Government. Will he read your book? Why do you not give him one copy?

The Government is forcing its way, saying reform has to be carried out in the name of showing concern for the plights of the people, but now it is turning a blind eye to the people's hardships. Is there any difference between the Government and my god-daughter? When I asked her to do her homework or write copybooks, she made an excuse saying that she needed a pen because she could not write without a fountain pen. After I bought her a fountain pen, she told me she still could not write since it was not a Mont Blanc, and so she refused to do her homework. She had advanced a lot of excuses. After all, should she be willing to do her homework, she could have immediately done it with a pencil. Her excuses were like the long comments made by the DAB and the numerous measures beneficial to the grassroots cited by the FTU. They should have suggested the measures to the Government. Was it possible for the Government to keep its arms folded? Was it impossible for them to overthrow the Government? Was it necessary to make up excuses that the Government could not deliver without "five Secretaries of Departments and 14 Directors of Bureaux"? Did the Chief Executive tell you that he could not deliver without "five Secretaries of Departments and 14 Directors of Bureaux"? When did he say so? Did he say so when you voted for him or when the Communist Party of China made an abrupt about-turn? That is nonsense!

President, there is only one question: Should the Legislative Council, as an organ responsible for monitoring the Government, fulfil its original responsibility of monitoring the Government in accordance with the RoP? Should it fulfil this responsibility? If the answer is in the negative, then the abolition of the relevant requirements should be put to vote, so that the Government will no longer be required to give a 12-day notice. Is that not what Members want? Mr LAU Kong-wah was the most interesting. When I asked him during the election about his opinion on the constitutional reform package, he replied that he would follow the dictates of the Central Authorities. When I asked whether he was referring to the Chinese communist authorities, he told me he was precisely referring to the Chinese communist authorities. Hence, I asked him again this question, "Who will you follow should the Chinese communist authorities be overthrown five years later?" He just smiled shamelessly.

President, I wish to remind Mr LEUNG Chun-ying again that he has a "basket of projects" now. If he is willing to implement certain measures after 1 July to, for instance, implement universal retirement protection by handing out \$3,000 to each citizen and reform the MPF System, buy out The Link REIT under

Article 105 of the Basic Law, and abolish the existing upward and downward rent adjustment mechanism for public housing and revert to the previous requirement that public housing rent cannot exceed one tenth of the median income of public housing tenants, I will kneel down immediately and offer this vote of mine without any notice from him. But will he really do so? No. On the contrary, he is going to illegally create two posts of Deputy Secretaries of Departments and two posts of Directors of Bureaux, buddy. The two posts of Deputy Secretaries are to be filled by Paul CHAN, though yet to be confirmed, and Patrick HO. If Members disagree that the two posts be taken up by these two persons, they should object. What is wrong even if they object? They should be allowed to do so, provided that their objection is justified.

I am now going to challenge LEUNG Chun-ying to demonstrate his courage by addressing this Council rather than making things difficult for Jasper TSANG. What are the justifications for Rule 91 to be invoked? Will the sky collapse should the discussion be put on hold until 12 days later? Will it be fatal should the reorganization resolution be endorsed after the passage of the resolution on the legal aid system, as proposed by Dr Margaret NG, 12 days later? Stephen LAM and Raymond TAM, who are sitting here, cannot even give us a reply to the question regarding the problems with the accountability system, but they still insist that the transition would be seamless. Do they know that they need only sign a written statement of repentance? In addition, the dozens of officials should kneel down to admit their failings and kowtow to make confessions. LEUNG Chun-ying is indeed very smart. Nevertheless, the officials have no idea of what has gone wrong. They merely insist that they have done nothing wrong, only that others are more correct. This exactly bears testimony to the saying, "There is no person who is the most shameless, but only the more shameless".

President, I have nothing special to say anymore. Nevertheless, I would like to tell Mr LEUNG Chun-ying a story. An emperor in the Ming Dynasty was particularly fond of a eunuch, WANG Zhen, and on heeding his advice, went on an expedition by himself to launch an attack on a Mongolian tribe called Wala and was eventually captured by the Mongols. Is LEUNG Chun-ying today in a situation similar to the Crisis of Tumu Fortress back then, for he listens only to the words of mediocre officials, lackeys and eunuchs? Worse still, the emperor should have a chance to run away, but was advised by WANG Zhen, who feared that the Mongolian armies chasing them would trampled on his farmland when



reaching his hometown, to run in the opposite direction. That was completely the same as the situation today — a group of people wish to ascend to the seats with the change in dynasty and thus advise the emperor to walk a longer distance until he hits the wall. This is a modern version of the Crisis of Tumu Fortress.

The second issue I wish to mention is the abolition of the prime minister. The goal of creating the two posts of Deputy Secretaries today is to use the deputy to restrain the chief, assign the dirty jobs the Secretaries of Departments hate to do to their deputies or *vice versa* .....

**PRESIDENT** (in Cantonese): Mr LEUNG, please wait until the resolution is debated in this Council to put forward specific views on the re-organization of the Government Secretariat.

**MR LEUNG KWOK-HUNG** (in Cantonese): I see. But then something serious happened after the abolition of the prime minister in the Ming Dynasty, for the emperor had to personally take charge of everything. What was that if it was not eunuch politics?

President, I reiterate once again that one should not feel ashamed for being a lackey, because one had to be a Manchurian in the Qing Dynasty to be a lackey. Today, someone has a special preference to be a lackey. This I cannot manage to do. President, I repeat, please get back Mr WANG Songbai's name card quickly. I still wish to say that, if you permit the Government to do so, I will be convinced because it is you, President, who personally put it there. Now, the Government is allowed to use this means in an attempt to evade separate voting, and that is "playing foul". I think you should fulfil your responsibility. Are you in favour of or against it?

Thank you, President.

**MS MIRIAM LAU** (in Cantonese): President, just now some Honourable colleagues said that we should observe order. This I agree. All along I have obeyed the rules and attach great importance to the RoP. It is just right that we should place everything in order. Though we have done so, we were caught in

surprise by some unexpected turn of events caused by the filibustering. As we all know, this unexpected event has lasted for more than 10 days and as many as some 100 hours of this Council's time have been wasted. Even everything is placed in order, there is still a congestion, so to speak, at the rear and there is no way we can move on. In fact, this filibustering act is still going on.

Of course, some Members may deny that this is filibustering. But we can see that the Finance Committee has used more than 10 sessions' time and it still has to hold meetings to deal with some 70 motions proposed. And we do not know whether there will be more motions to come. When meetings to study the financial arrangements for the reorganization of the new-term Government are to go on like they will never come to an end, it will really make the new-term Government and the Chief Executive elect feel worried. So they have talked with the current-term Government, in the hope that the resolution on the reorganization of government structure can be tabled for debate today. I understand why this is done. But I have to make a solemn criticism against it because what it is doing today will cause damage to the relationship between the executive authorities and the legislature.

The Chief Secretary for Administration agrees with this view. I would meet with the Chief Secretary once a week and we would study the upcoming Agenda, government resolutions and other kinds of arrangement. This enables us to have an exchange of views and we can have discussions on how matters can be dealt with smoothly. Of course, when I am to meet the Chief Secretary, we would hold a meeting in the House Committee to gather views from Members and convey the same to the Administration. All along this arrangement has worked in a mode of amiable discussions.

But as for this motion proposed by the Chief Secretary, it has in fact never been raised in any one of our meetings. I only got the news of it quite late last night. Then I learnt that this motion would appear in today's meeting. I think the Government must rethink this matter and it should know that similar things must never happen again. It is because in so doing, serious damage will be caused to the relationship between the executive authorities and the legislature. Will there be a need for discussions, or will there be a need for me or anyone holding such a position in the House Committee to meet with the Chief Secretary every week and engage in dialogue with him? It could be that there is no longer

such a need. Because if he thinks that he has got enough votes in the Council to pass his motions, then there is actually no need for him to engage in discussions. So I must criticize the Government in a solemn manner. I understand that the officials are anxious. But they should never do this sort of things.

President, some Honourable colleagues have criticized the Government for playing foul. As I have just said, it was anxious. But does the RoP forbid this sort of procedure which is considered as playing foul? I do not think so. Rule 18(1) of the RoP provides for the order of business and Rule 91 states that any provision in the RoP can be suspended. And this of course, would include Rule 18.

Previously we had applied Rule 91 of the RoP to certain particular procedures, such as the arrangement whereby the RoP is suspended to enable the Council to become Committee of the whole Council, and so on. I recall that this practice has also been used in other kinds of procedures. But with respect to this motion, I have to remind Honourable colleagues that a similar discussion was held recently. Members pointed out in the House Committee that there were some motions which would be moved by Members to extend the period for scrutiny of certain pieces of subsidiary legislation. These Members hoped that certain procedures could be invoked to advance the order of these motions from Members so that the relevant extension can be effected. During the discussions, it was pointed out that if these motions were to be dealt with in an advance order, there would be a need for a government official or a Member of this Council to propose the related motion. We thought that it would be better for the Government to do so as it would obviate the need for separate voting. It can be seen that under certain circumstances, Rule 91 can be invoked not just as a matter of procedure but it can also be invoked sometimes under special circumstances.

I remember that after listening to the views of Members in that House Committee meeting, in the following Monday I met with the Chief Secretary and raised the point of whether the Government could propose a motion that Rule 91 of the RoP be suspended so that priority can be given to dealing with motions from Members to extend the period for scrutiny. However, the Chief Secretary told me that under Article 72 of the Basic Law, motions from the Government should be dealt with first and there was no way Members' motions could jump the queue. The Chief Secretary agreed to consider that again. He knew that

Members hoped that that could be done, but he did not give me a reply on that again.

I have described this event in such great detail because I wish to point out that Rule 91 of the RoP is not a rule rarely used and it is not invoked on this occasion merely because the Government wants to play foul by asking the President to waive the 12-day advance notice requirement.

Let me come back to the motion on the reorganization of the Government Secretariat. President, as for the specific details, I agree that I should discuss them later when we debate the relevant resolution. But why does this reorganization have to be so urgent? Some Honourable colleagues have said that the Chief Executive elect does not want to lose face. This makes me think of the filibustering this time, not to mention that I have heard some Members give the advance notice that they will filibuster in the upcoming resolution. The aim of that is to undermine the new ruling team so that its members cannot all assume office on 1 July. In other words, this is to make him lose face. So we can see that people criticize the Chief Executive elect for not wanting to lose face while some people want to resort to all sorts of ways to make the new ruling team and the Chief Executive elect lose face.

I do not think this is what the people would wish to see. Members of the public do not wish to see any filibustering and they do not care if anyone loses his face either. What do they want? Most of them hope that the new Chief Executive and his team can put their election platform into practice properly and solve problems that the new Chief Executive has pledged to solve. Such problems include those related to population policy, real estate, the wealth gap and lack of development in the industries, and so on, problems which have been discussed a lot. The people hope that the new team of officials can put the policies found in the election platform into practice. They hope that headway can be made to benefit the people and make society better.

Recently, the Liberal Party has conducted an opinion poll. During the period from 8 June to 14 June, we had random sampled 771 citizens on the phone. I would like to share with Members two of the questions asked. The first is about filibustering. Our question is like this: Would you agree with the use of filibustering and the obstruction caused by the pan-democrats to the

application for funding and legislative work regarding the restructuring of the new Government? Those who said that they agreed or strongly agreed accounted for 31.4% while those who disagreed or strongly disagreed accounted for 54.1%. In other words, more than half of the interviewees did not agree to the use of a filibuster tactic or other means to obstruct the restructuring plan of the new Government. Another question we asked is: "As a whole, would you agree that the Legislative Council should approve of the funding application and legislative work regarding the restructuring of the new Government so that it can assume duty as a full team on 1 July?" Those who agreed or strongly agreed accounted for 54.9% of the interviewees while those who disagreed or strongly disagreed accounted for 26.8%. This survey serves to show clearly that it is the hope of the people that the new team of officials can assume office as soon as possible and start working. This survey also tells us clearly that the people do not want to see any filibustering, or at least most of the people do not want to see filibustering by us.

I am sure many Members from the pan-democratic camp would meet with the public in the districts like I do. We have indeed heard different views. Some people said to us that we should not approve of his team and we should prevent him from doing that. But there were also many people who asked why we did not give him a chance to put his team in place and work for the people. They said that Members should play the monitoring role and if he fails to achieve anything, we could settle scores with him later. Why can we not do this? Mr LEE Wing-tat also said earlier that some people had asked him why he wanted to prevent the new team of officials from assuming office. He has heard this kind of view from the public. The findings of the opinion poll I mentioned just now also show a divergence of opinions. However, a larger number of people hope that we can let the new team of officials assume office and finish their work in forming a team by 1 July. I would therefore think that we should take public opinion into account, despite the fact that I am very unhappy with it in terms of the procedure.

I have to stress that if we were to forge a good relationship between the executive authorities and the legislature, we must maintain amiable dialogues. President, I remember that in the House Committee meeting last week, some Member asked me where the relevant resolution in the order of business was. I told the Member that according to the order at that time, it was listed as the 17th item on the Agenda on resolutions. We have never received any request of

changing that order to place that resolution as the first one on the list. If we were informed of the change earlier and if they could discuss with us, then there would not be this situation now where so much time is spent on debating this motion. We all know what is going on and many Members here do not want to cause any delay. But they cannot agree to this move from the Government. I really hope that the Government can reflect on this and never employ this tactic again.

President, I so submit.

**MR PAUL TSE** (in Cantonese): President, my usual approach is to hear as much as possible from Honourable colleagues before coming to a decision of my own. Of course, many Honourable colleagues may think that this may not be appropriate because they think that it seems that I will speak to attack them after listening to what they have said. But I do not have this intention in mind at all.

As a matter of fact, I would think that if a debate is fair, really open and tolerant, it should be like the case in a court of law. That is to say, even if the Judge has got some views on the case in question, he would try by all means to hear more views and come to a decision after hearing the debate by both parties.

On this occasion, it is as usual very hard to make a decision. Let me make it clear from the outset that about this reorganization plan, that is, the resolution which proposes to create three Secretaries of Departments, two Deputy Secretaries of Departments and 14 Directors of Bureaux, and the rights and wrongs of it, I would still hold a view which can be said to be trying to get into the crux of the matter. The question before us now is whether we should accept this application for leave to suspend the RoP on the premise of trying as much as possible not to go too deep into the issue and not to draw any conclusion on it.

Up to this moment, what I have heard from Honourable colleagues about their views and arguments seems to centre around Section 54A of the Interpretation and General Clauses Ordinance, that is, on matters relating to the resolution on reorganizing the Government Secretariat. However, the motion we have now does not touch on this resolution alone because there are three sets of resolutions that need to be discussed.

In fact, apart from this resolution which presents much controversy — our Secretariat has predicted that 30 hours would be required to debate this motion — the other resolutions are in theory those that we hope can be dealt with as soon as possible. I am sure most of the Honourable colleagues would not mind those resolutions jumping the queue and being dealt with first. We reckon these resolutions would only require 8.25 hours to deal with completely.

The question now is: Are we going to cling onto to this position and give priority to dealing with this resolution on reorganization irrespective of the motives, backgrounds or views about it? This is unfortunately like slamming our own face because all the other resolutions are actually very important to society and people's livelihood. But it seems that Members have turned a deaf ear to them and do not care about them.

As I looked at the papers I found out that there are some resolutions on judicial appointments, legal aid, the Mandatory Provident Fund schemes, and so on, as mentioned by Honourable colleagues earlier.

President, earlier on Ms Miriam LAU referred to Article 72 of the Basic Law. I remember that I once raised the point in the House Committee that we should find out some ways to avoid political disputes while permitting the passage of those motions which are not so controversial first. This would prevent these motions from falling victims to the heavy congestion that may appear.

As we reviewed Article 72 of the Basic Law, I knew at the time when I pointed out the problem and I also recall the President has also mentioned it, that Article 72(2) provides that the President has the power to decide on the Agenda and motions from the Government should be given priority for inclusion in the Agenda. This seems to be a limitation, but it is clear enough and it has the effect of restricting the powers of the President.

Despite the existence of a so-called omnibus provision in Article 72(6), that is a comprehensive provision, which states that the President may exercise other functions and powers vested in him under the RoP — of course, this may include also Rule 91 of the RoP which we are to consider now — the question is, there is this Article 72(2) which is unambiguous and there is also an omnibus provision in

Article 72(6) which is not as unambiguous. President, what should you do about them and what we should do about them?

My initial position, humble though it might be, would seem to be that if a power is clearly defined, then it would not be so readily to be overridden by some provisions which are not as clear. In other words, powers that are considered general should not override powers that are specific. I believe people with a legal background must know this principle very well. In such circumstances, can we invoke Rule 91 of the RoP which embodies a general approach to try to bypass Article 72(2) of the Basic Law which is unambiguous?

Of course, if the two types of items we are going to discuss are both bills and given that certain bills may carry greater importance, then the authorities are entitled to requesting that changes be made to the order of priority accorded to bills within a particular group. There is no question about it. But if we have one group being bills and another group being motions, and given the hurdle presented by Article 72(2), I am afraid it would not be easy for us to overcome it. If we have some very sound and important justification to adopt this approach, then it would be an exceptional case. President, do we have this sort of grounds?

I remember not long ago when this Council scrutinized the bill on the replacement mechanism, three Honourable colleagues in this Council, that is, Ms Audrey EU, Mr Alan LEONG and Mr LEE Cheuk-yan, invoked Rule 40(4) of the RoP to try to propose that the proceedings to handle certain Committee stage amendments be adjourned. I remember the argument advanced was that the spirit was to clear the bottleneck to make way for certain more important motions that were waiting to be tabled and which did not cause any controversy and could be dealt with expeditiously. But due to various reasons, Members did not agree to this view.

President, there are some Honourable colleagues who insist that we should not jump the queue, so to speak, and we should wait until the Finance Committee has approved of the funding application to come back here to deliberate on that resolution. These Members think that we should not hope to disregard the order of business and pass the resolution. I cannot really have a good grasp of this view. This is because I am not sure under what kind of circumstances should we



adopt the approach of parallel proceedings, that is, work will start on both sides when the Finance Committee will deliberate on the funding application and we will deliberate on the resolution here. Can this dual-track approach be necessarily ruled out? Or it can be adopted under what kinds of special circumstances?

I am somewhat distressed by the fact that many loopholes in the RoP have come to light during these past few months. These loopholes have never been noticed by Members and they have never become a cause of concern to them. But they are all exposed.

Let me put it simply. When an Agenda item cannot be dealt with in the meeting for which it is originally scheduled and has to be left to the following meeting, we should handle this according to certain common standards in meetings such as those found in *Robert's Rules of Order*. Under normal circumstances, business not dealt with in a meeting would normally be dealt with immediately in the next meeting. Let me cite flying an aeroplane as an example. If the flight we take is on the 20th, and incidentally, there are some events such as a storm or heavy rain and the plane cannot take off and has to be delayed, then we go to the airport again on the 21st, but we cannot request that those passengers who are supposed to board the plane on the 21st all give way to passengers of the flight on the 20th. It is only when all passengers of the flight on the 21st have boarded the plane and if it is found that there are still seats left then these can be filled up by the other passengers. Just what is the approach provided for in the RoP? This would affect our consideration of the question of whether we should and have to invoke the special arrangement under Rule 91 under such circumstances. It is unfortunate that the RoP does not have any clear stipulation on that. I would think that at some appropriate point in time, the Committee on Rules of Procedure should follow up on questions like, how Rule 92 is to be invoked to adjourn a debate or how Rule 91 is to be applied, and so on.

To sum up, should we now invoke Rule 91? My initial view on this question is — of course, I would like to hear the views of other Members on this as well — that if it is a question of government prerogative, that is, the discretion which the Government can exercise to choose how the order should be formed, that is, regarding the order of bills and motions belonging to the same category which are to be passed, the Government is entitled to making changes to the order provided that the Council is notified of such changes. In the case of this

meeting, I notice that the order regarding the bills and motions as set out by the Secretariat originally is somewhat different from the formal Agenda we have got. There are some slight changes in the order of business. But it is all right because these arrangements are made between the Government and the Secretariat. But if changes are made to items in different categories, such as to give priority to dealing with motions before bills, I would think that this is not something which the Government has any discretion in the absolute sense or any power of making such a choice.

As I have said, what should we do in face of the hurdle posed by Article 72(2) of the Basic Law? If we are really to make a decision, I am afraid this would touch on the question of the limitations of the powers of Members of this Council and their right to make a decision. When we are to make a decision, it seems that we are taking a circular route, making detours and coming back to where we were in the first place. So what should Members choose? I think that we have to consider the present situation in one way or the other. I remember that it seems Mr Ronny TONG has mentioned these two points. That is, we have to consider whether or not such a move would cause any substantial damage or it is underpinned by any urgency. If every Member does not base his or her decision on certain hurdles in law which stand clearly in front of them but to base their decision on political considerations alone, then they cannot avoid such questions as to what category this motion under section 54A, Cap. 1, would belong, that is, whether it has any importance, urgency or likelihood of causing substantial damage, as well as whether any damage would be caused when the RoP is recklessly changed.

So far, I am still inclined to think that we cannot change the RoP recklessly. This is especially the case when we have the hurdle presented by Article 72(2) of the Basic Law. For if not, theoretically, the change is open to challenge and may be subject to judicial review. This is certainly my humble opinion. But if we should try to judge this case purely on basis of rationality, we are very unhappy now because most of the motions should have been discussed at an earlier time, that is, for example, on 6 June, 2 May, 3 May or 30 May, and so on. But now, we are still discussing this resolution which is part of the heavy backlog. And many important bills are stuck in the impasse and they should have been discussed or even passed according to the past practice. President, given this situation and if a precedent is set, and if we invoke Rule 91 of the RoP recklessly and change the order of business, and if we disregard the hurdle

presented by Article 72(2) of the Basic Law despite our awareness of its presence, or if we take any action without fully considering the consequences, I am afraid it would be hard for the rules of this Council to maintain their credibility and command the due respect.

From the bottom of my heart I hope that the Government — and this applies both to the current-term Government or that of the next term — will exercise its administrative prerogative. And with respect to the wish of the next-term Government to restructure its organization to ensure effective administration, I fully understand and accept it. But at the same time, I would also think that this Council should be bound by rules. For if not, problems like this will surely arise in future and this Council may relegate into a rubber-stamp.

Many Members may think that we are already a rubber-stamp. But if they have really paid attention to our debate and kept track of our developments and know enough about how the President made his judgment, they will know that despite the very difficult circumstances of ours, we have tried our best to base our decision on not impeding the rule of law and sticking to reason. And our decision should strive to meet the needs and strike a balance between the interests of all parties, which is certainly no easy decision to make.

President, in this present case, I am inclined to think that we cannot invoke Rule 91 of the RoP lightly to quash Rule 18. Let me specifically stress one thing and that is, since the hurdle posed by Article 72(2) of the Basic Law is there, unless and until we have a suitable interpretation from a court of law, we will be taking a great risk if we change the order of business lightly.

President, let me stress it once more. On the resolution regarding the creation of this government structure of three Secretaries of Departments, two Deputy Secretaries of Departments and 14 Directors of Bureaux *per se*, I remain open about it. But as to the idea of invoking Rule 91 of the RoP to quash Rule 18, I have reservations. Thank you, President.

**PRESIDENT** (in Cantonese): Mr TSE, I do not know if I have understood your speech correctly. Even if we pass the motion to suspend Rule 18(1) of the RoP, this cannot effect any change to the provision under Article 72 of the Basic Law.

This is because Article 72 is about government motions and these include Bills and resolutions introduced by the Government. They should be given priority over motions from Members.

Our debate on the suspension of Rule 18 of the RoP, now only tries to change the order of handling government bills and resolutions.

**MR PAUL TSE** (in Cantonese): President, thank you very much for your enlightenment. However, as far as I understand it, it should be government motions that should be accorded priority in their inclusion in the Agenda; and with respect to items under the same category, the order of precedence can be changed. Thank you, President.

**MR WONG KWOK-KIN** (in Cantonese): President, the question under discussion today is on the Government's motion to request a suspension of Rule 18(1) of the RoP for the purpose of adjusting the order of business in this Council. Many Honourable colleagues, especially those from the opposition, have spoken against this motion. They think that this is a violation of the rules. My understanding is that since this Council is caught in a situation that cannot be described as normal, so it is forced to adopt an approach which can also not be described as normal.

What is meant by a state of abnormality? By all appearances, the number of meetings this Council holds is increasing substantially and meetings run just non-stop. But even as this is the case, we cannot clear the backlog of bills and motions. These bills and motions just pile up and there is only a slim chance that they can all be scrutinized within this Legislative Session. Notwithstanding this great surge in our workload, we cannot clear the backlog of bills and motions.

Why did this arise? People who have paid attention to the developments in this Council, including members of the public, should know that the cause lies in certain Members of this Council using an undisguised or disguised filibustering tactic that has seriously lengthened the meeting time. They have a simple objective to achieve, that is, to cause delays to the motions being deliberated on and block the other motions waiting for deliberation. It is obvious that they

want to prevent the resolution regarding the reorganization of the new-term Government from being tabled in this Council. This is obvious enough.

If we do not adjust the order of business in a meeting and give priority to deliberating the reorganization resolution, all those numerous bills and motions on the list both before and after that resolution will only be delayed. There is no way we can clear the backlog. Council meetings will have to be lengthened all the time and the heavy backlog will remain while filibustering continues. This is much to be regretted. When we meet the residents in the districts, they often ask after us and comment that we have been having a rough time.

I note earlier that a number of Members have said that damage has been done to the dignity of this Council and Members just wallow in degeneration. I agree with this view. Why is it said that damage has been done to the dignity of this Council and Members just wallow in degeneration? The reality of this Council is: scores of Members are fooled by three Members or so and nothing can be done. Where is the dignity of this Council? What members of the public can see now is that it looks like the Council is putting up a great show every day, but no real progress is made. I am sure this will undermine the dignity of this Council.

Some Members think that the Government's request that the order of business regarding motions be changed is a violation of the rules. But I would say that it all depends on how you look at the issue. If it is said that the Government has not acted according to the rules and the law, I am sure the President will not give his consent to the Government to introduce this motion for discussion by Members and put it to vote. If the Government abides by the law and follows the rules, and if consent from the President is obtained, it would be hard for us to accuse the Government of violating the rules. Many Members from the pan-democratic camp who have come to the defence of those Members who engage in filibustering say that this filibustering is lawful and carried out within the scope permitted by the RoP. Then should we accuse them of breaking the rules? If we say that the Government is breaking the rules, then we should also say that those Members engaging in filibustering are breaking the rules.

Some other Members made the criticism that that the Government has tabled this motion before the Council all of a sudden is a furtive and secretive act, and it is open and above-board. I agree that it looks that the Government is not at all open and above-board. However, have those Members who comment that the Government is not open and above-board ever thought that they are likewise not open and honest when they engage in a disguised form of filibustering but do not dare to admit that they are filibustering? They deny that they are filibustering and they argue that they are merely raising questions and trying to get replies. Are these Members likewise not open and honest? Are they not filibustering? Have they admitted openly and honestly that they are in fact filibustering? I appreciate Mr WONG Yuk-man who declared that filibustering had formally begun. Look at the impressive and awe-inspiring manner in which he declared the opening of filibustering. But now he does not dare to admit that he is filibustering. Is it open and above-board to deny something already done? I am sure members of the public can see it. They can tell whether or not there is any filibustering.

A Member has asked, "Since the FTU wants to handle many important motions related to people's livelihood, then why does it support the Government's request to change the order of business and give priority to the motion on reorganization?" We can tell Members that if this motion on government reorganization is not dealt with, the scrutiny of all other bills and motions will only be delayed by the filibustering. A bill on the mandatory provident fund has yet to be passed. The Bill is not complicated and it has gone through a long period of deliberation in the panel. But it has not yet come to the voting stage. It is obvious that some people want to cause delay to the examination of this bill in order to block the other bills that follow and prevent the motion on restructuring from being tabled for discussion in this Council.

Hence we agree that priority should be given to handling this motion on restructuring and irrespective of whether Members will vote for it or against it or if it is passed or voted down, provided that this motion is dealt with, things will be a lot easier for other bills and motions. Work in this Council can then speed up when there is no delay caused by filibustering.

An Honourable colleague has read out an SMS sent to him from a member of the public. The SMS is on that person's view on the matter. Incidentally, I have got an e-mail and I have printed it out. I would like to read it out. I am

sure many Members have also got this e-mail. This is because I note that it is addressed to many Members as well. This e-mail is primarily addressed to Members in the pan-democratic camp and c.c. to me. The subject of the e-mail is "Please stop it."

"Dear Members of the pan-democratic camp in the opposition, I am an ordinary member of the public and please listen to what I and most of the people think about this. Please stop posing any obstruction to the development of Hong Kong. We cannot tolerate anymore this kind of irrational behaviour of yours because you are opposing for the sake of opposition. I have talked with Mr Alan LEONG in Yau Tong" — I do not know if this is true — "I said that we have no fear of the communists, but instead, we are getting more afraid of you people. Your actions are not rational at all and they will harm the interest of Hong Kong and impede its development." As for the sentence following that, I would prefer not to read it out .....

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Mr WONG Kwok-kin has complained of an interruption today, saying it should not be allowed. But, President, now you can see that he is interrupting someone's speech.

**PRESIDENT** (in Cantonese): How?

**MR LEUNG KWOK-HUNG** (in Cantonese): Both Mr WONG Kwok-kin and Mr WONG Kwok-hing said that interruptions should not be allowed .....

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down. Will Members please keep quiet when other Members are delivering their speeches. Mr WONG Kwok-kin, please.

**MR LEUNG KWOK-HUNG** (in Cantonese): Or else they should be given a slap in the mouth.

**MR WONG KWOK-KIN** (in Cantonese): Right, at the request of Members, I now read out the last sentence. "As for this year's election, I will definitely tell all my friends not to vote for your group of Members who "pursue destruction but not construction"." This is the last sentence written by this member of the public.

President, although the wording of this e-mail is a bit too strong, I think it represents the opinion of a considerable number of people. I hope Members can seriously consider whether it is necessary for us to expend such huge efforts to bar the reorganization of the new-term Government, which has subsequently caused a blockage of so many bills and motions relating to the people's livelihood which have been scrutinized for a long time and which we all hope will be passed. Like this member of the public, I hope they will stop doing this and stop playing tricks.

As I still have some more time, I would like to clarify one point. In his speech earlier on Mr Andrew CHENG accused us in the FTU of supporting the listing of The Link REIT back then but vociferously criticizing it for increasing the rents now. Here, I wish to formally clarify that CHAN Yuen-han had spoken against the listing of The Link REIT in the Legislative Council back then. On the contrary, I heard that a member of the Democratic Party, to which Mr Andrew CHENG used to belong, who was a member of the Hong Kong Housing Authority had voted in support of the listing of The Link REIT. This is what I have heard of, and if it is not true, Members of the Democratic Party can refute me. Now that Mr Andrew CHENG is like a thief calling on people to catch a thief in accusing us in the FTU of supporting the listing of The Link REIT, I think this is shameful. Thank you, President.

**MR PAUL TSE** (in Cantonese): By virtue of Rule 38(3) of the RoP, I wish to use some time to clarify the comments made by me just now. As regards the



question asked by the President just now, I think I have to clarify it a little when it is still fresh in Members' mind. President, it will only take about 10 seconds.

President, concerning the question that you asked me just now, after checking, I found that there is actually a serious mistake in the translation of the Basic Law. Rule 18 of the RoP is subdivided into paragraphs (i) and (j) and they refer to "Government bills" and "Government motions" respectively. In the Chinese version, they are translated into "政府的法案" and "政府的議案". In the Basic Law, the term "government bills" in the English version is translated into "議案" rather than "法案" in the Chinese version, so this is a big problem. I believe the original intention of the RoP is to give priority to "Government bills" first. Therefore, when dealing with the items of a meeting, motions cannot take precedence over bills.

Thank you, President.

**PRESIDENT** (in Cantonese): Mr TSE, concerning this issue, it was already raised soon after the reunification. You said that there is a problem with the translation and you are right. If you look more carefully, you will also find similar instances in other provisions of the Basic Law. When we talk about bills, it is very clear that we refer to legislative bills but in the Basic Law, there is a more general description, that is, all motions with legislative effect are translated as bills. In fact, this is related to the differences in meaning in translation.

**MR PAUL TSE** (in Cantonese): President, Article 72 of the Basic Law only talks about bills. In that case, which version shall prevail?

**PRESIDENT** (in Cantonese): Of course, the Chinese version shall prevail. Concerning the reference to bills in the Basic Law, government bills refer to legislative bills and other government motions. All along, this has been our understanding and the RoP is also drawn up having regard to the provisions of the Basic Law.

**MR PAUL TSE** (in Cantonese): My understanding is that ..... anyway, I do not wish to argue with you anymore. I only wish to clarify this matter.

**PRESIDENT** (in Cantonese): It is now already two minutes past 10 pm. If there is still any issue of law that needs to be clarified, maybe our minds would be clearer after a night's sleep. *(Laughter)*

### **SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): I now suspend the meeting until 9 am tomorrow.

*Suspended accordingly at four minutes past Ten o'clock.*

**Appendix I****WRITTEN ANSWER****Written answer by the Secretary for Development to Mr Alan LEONG's supplementary question to Question 2**

As regards government land formerly used as shipyards in Ap Lei Chau, the District Lands Office/Hong Kong West and South (DLO/HKW&S) obtained possession of the two sites in November 2011 and April this year. Fences and "Government Land" signs have been erected on these sites.

As regards when Cheerjoy Development Limited (Cheerjoy)'s communication first started, according to the record of the DLO/HKW&S, Cheerjoy first informed the DLO/HKW&S that it will represent some of the short-term tenancy tenants in May 2010.