

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 8 December 2011

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE 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 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.

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.

THE HONOURABLE CHEUNG KWOK-CHE

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

THE HONOURABLE IP WAI-MING, M.H.

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

DR THE HONOURABLE PAN PEY-CHYOU

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

**MEMBERS ABSENT:**

THE HONOURABLE ALBERT HO CHUN-YAN

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

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

THE HONOURABLE LAU WONG-FAT, G.B.M., 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 AUDREY EU YUET-MEE, S.C., J.P.

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE WONG SING-CHI

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

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

### **PUBLIC OFFICERS ATTENDING:**

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

THE CHIEF SECRETARY FOR ADMINISTRATION

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

SECRETARY FOR SECURITY

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

SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.

SECRETARY FOR LABOUR AND WELFARE

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

SECRETARY FOR DEVELOPMENT

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

**CLERK IN ATTENDANCE:**

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**MEMBERS' MOTIONS****REFORMING GOVERNANCE PHILOSOPHY, RESOLVING DEEP-ROOTED CONFLICTS IN SOCIETY AND ALLEVIATING THE DISPARITY BETWEEN THE RICH AND THE POOR**

**Continuation of debate on motion which was moved on 7 December 2011**

(Dr Raymond HO stood up)

**PRESIDENT** (in Cantonese): Dr Raymond HO, do you have any question?

**DR RAYMOND HO** (in Cantonese): I am sorry, President. As I only returned at 9.55 pm last night, I did not have a chance to express my views on this motion. I wonder if President would allow me to speak. Thank you.

**PRESIDENT** (in Cantonese): We now continue to debate the motion on "Reforming governance philosophy, resolving deep-rooted conflicts in society and alleviating the disparity between the rich and the poor". I already asked Mr Frederick FUNG to speak on the amendment yesterday. Dr Raymond HO has now requested to speak.

**DR RAYMOND HO** (in Cantonese): President, according to a newspaper report last week, the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong and the Hong Kong Professionals and Senior Executives Association jointly conducted a telephone interview on more than 1 000 Hong Kong people from September to October this year. The findings showed that 76% of the interviewees considered the wealth gap problem in Hong Kong serious; 14% of the interviewees said that they could not make ends meet; most of them had lower academic qualifications or lower household incomes. Moreover, nearly 60% of the interviewees considered that the Government looked after the interests of the rich. The above findings reflected, to a certain extent, the gravity of the wealth gap problem in Hong Kong. If the authorities continue to remain aloof and indifferent to the problem and allow the situation to

deteriorate, conflicts between different sectors will intensify and the community will be torn apart. We will have everything to lose and nothing to gain in the future development of Hong Kong.

When we held a debate on the motion on "Calling upon persons intending to run in the Chief Executive Election to respond to people's aspirations" on 19 October, I said that when Hong Kong was under the British rule and in the unique governance environment of "borrowed time and borrowed place", the Government's policymaking mindset lacked long-term co-ordination and comprehensive planning. Yet, more than 10 years have passed since the reunification, despite changes in the economic and political conditions, the SAR Government has failed to rectify the deficiencies of the colonial government in policymaking. Regarding major social issues, it does not have the strong will and ability to carry out relevant reforms in a systematic, well-organized and comprehensive manner.

Without any countermeasure against wealth gap, Hong Kong is facing external shocks and internal worries. Externally, our major trade partners are caught in crises, the economic recovery in the United States is nowhere in sight and the European debt crisis is lingering. Under the impact of global economic integration, the Chinese economy maintains its own integrity and it is also affected to some extent. A major local bank has announced earlier its plan to lay off 3 000 staff members within three years. Though there is no indication that there will be a wave of successive layoffs, the local employment market is not optimistic. Apart from the sufferings of people with lower academic qualifications and household incomes as revealed in the above findings, I believe quite a number of middle-class people feel the pressure with regard to job prospects.

Dragged down by the external economic situation and having financing difficulties, small and medium enterprises (SMEs) in Hong Kong are facing a grim situation. SMEs account for 98% of all local enterprises and provide over 1.2 million people with job opportunities, that is, approximately 50% of all employed workers in Hong Kong; thus, the Government should face the difficulties of SMEs squarely. Any circumstances unfavourable to the development of SMEs will further increase social grievances, resulting in social unrest.

Regarding our internal problems, apart from problems such as the wealth gap, inflation and high property prices, other problems such as economic restructuring, long-term development of competitive edge and an ageing population also demand systematic and long-term solutions.

For 10-odd years since the reunification, the Government has been weak and many of its more controversial plans and policies have easily been subject to criticism. That is the reason why some officials have the mindset of "less work, fewer mistakes". To a certain extent, the Government still operates in the past mode of implementing stopgap measures and it often appears to be behind the times and is caught in a dilemma. In fact, this is one of the reasons why the public lack confidence in the Administration.

The primary task of the Government is to ensure economic development, stabilize the employment level and prevent economic deterioration; otherwise, public grievance will intensify, which is really unsatisfactory. Concerning short-term measures, the Government can implement through the Budget next year certain measures for alleviating people's difficulties and assisting SMEs in confronting adversity. Recently, the Business and Professional Alliance, of which I am a member, has met with the Financial Secretary in relation to the Budget next year and we made a range of proposals. These include re-introducing the Special Loan Guarantee Scheme for SMEs, exempting SMEs from the provisional profits tax and reducing the rate of profits tax for SMEs from 16.5% to 15%. Furthermore, we urge the Government to offer a 75% salaries tax refund at a maximum amount of \$20,000; reduce the annual rates and government rent at a maximum amount of \$1,500 each quarter; introduce a rent allowance within a five-year period at a maximum amount of \$100,000 each year, and increase the allowance for children's education expenses to \$60,000.

The Government must start with long-term policy objectives. In regard to economic development, the Government must be committed to consolidate and enhance our status as a financial centre. The Government should also intensify efforts to achieve the goal of economic restructuring, divorcing Hong Kong from the dilemma over the past years of over-reliance on financial services and the real estate sector. In order to support development in this area, we should continue to increase investment in infrastructure projects and enhance our competitiveness. Infrastructural development can create more jobs in Hong Kong so as to stabilize our employment situation, reduce external economic fluctuations which may have

adverse impacts on local employment, thereby ally resentment caused by underemployment. This is the primary consideration behind my proposal that the Government should start planning for "post 10 major infrastructural projects".

It is equally important for the Government to increase investment in education to enhance the quality of human resources, and this is also one of the important factors for achieving successful economic restructuring. Furthermore, improving education will help increase upward social mobility (*The buzzer sounded*) ..... Thank you, President.

**PRESIDENT** (in Cantonese): Does any other Members wish to speak? If not, I now call upon the Secretary to speak.

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I thank Mr Frederick FUNG again for his motion and the 22 Members for speaking on this subject. First of all, let me restate that the Government has always attached great importance to helping the poor and the needy. We have proactively followed up the 53 recommendations made by the former Commission on Poverty and have adopted pragmatic and comprehensive strategies to tackle poverty. We have definitely not turned a blind eye to the situation.

The current government has successfully implemented the minimum wage legislation to protect the income of grass-roots workers. After the implementation of the minimum wage, there was a significant 14.2% increase in the income of the lowest decile groups from July to September over the same period last year. There is still a 6% increase in real terms after inflation adjustment, far higher than the average 8.8% increase in nominal terms per employee as a whole, as there is only a 2.2% increase after inflation adjustment.

After the implementation of the statutory minimum wage, the overall labour market has remained stable so far. The unemployment rate in the latest quarter is 3.3%; a cumulative decrease of 0.2% in real terms as compared with the situation before the implementation of the minimum wage. The number of female employees is 5.4% higher than the same period last year, with more than 90 000 additional female employees.

Our poverty alleviation strategies include economic development to provide more job opportunities; investment in education, training and retraining to increase the competitiveness of the labour force and promote social mobility, as well as provision of a solid and sustainable safety net for people in need and the socially disadvantaged groups.

Mr IP Kwok-him proposes linking our development strategy with that of our country, and I fully agree with him. In order to ensure that Hong Kong can give full play to our advantages during the implementation of the National 12th Five-Year Plan, we will be committed to enhancing our status as an international financial, trade, shipping and logistics hub, strengthening the four pillar industries, grasping the opportunities for development on the Mainland and developing the six industries with competitive edge, as well as actively exploring new markets for our services sector, so as to create for Hong Kong a new economic growth point in the long run, and provide more job opportunities and increase people's incomes to promote upward mobility.

Ms Audrey EU proposes improving education quality. As a matter of fact, the Government always believes that investing heavily in education and manpower training to enhance the quality and competitiveness of the labour force is the way to solve at root the problems of inter-generational poverty and promote social mobility. Therefore, the Government's expenditure on education accounted for more than one fifth of its recurrent expenditure, which is the highest among all policy areas.

In recent years, the Government has implemented the Pre-primary Education Voucher Scheme and 12-year free education, and it has also actively strengthened support for poor students. In this academic year, the Government has introduced a number of measures that allow 347 000 pre-school children, primary and secondary students and tertiary students who have the need to get more financial support and benefits associated with learning; the additional annual expenditure involved is \$850 million.

Ms Audrey EU also proposes introducing small class teaching in secondary schools and implementing 15-year free education. According to the Education Bureau, before considering the introduction of small class teaching in secondary schools, it should first learn from the experience of small class teaching in primary schools and prudently consider factors such as the present situation of

secondary schools, teaching environment and support, overseas experience and resources allocation.

Concerning 15-year free education, the Government has implemented the Education Voucher Scheme and provided fee remission to ensure that children will not be deprived of kindergarten education for lack of means, and parents are provided with diversified options. The Administration will continue to communicate with various sectors and examine the impact of the proposal, so as to set the right direction to enable the continued provision of high-quality pre-primary education.

As regards the proposal on raising the number of subvented university places, the Government's policy supports the parallel development of the publicly-funded sector and the self-financing sector. Beginning from the 2012-2013 academic year, the University Grants Committee will increase the number of places of first-degree programmes. It is estimated that there will be a considerable increase of around 40% in the number of first-year students in publicly-funded first-degree programmes. We anticipate that, in 2015 or before, over one third of young people in the school-age population group will have the opportunities to take degree programmes. Together with the places of sub-degree programmes, more than two thirds of young people will be taking tertiary programmes.

Besides formal education, the Labour and Welfare Bureau has established a \$300 million Child Development Fund to draw on and consolidate the resources from the family, the private sector, the community and the Government to promote the longer-term personal development of children from a disadvantaged background, and enhance the children's abilities to plan for their own future, thereby getting out of poverty and reducing inter-generational poverty. The project received strong support from the community.

Furthermore, the Government makes substantial investment in training for the grassroots, so as to enhance their skills to tie in with economic restructuring. In the past five years, the number of programmes offered by the Employees Retraining Board has increased by more than six times to over 900, covering more than 30 industries and sectors; the number of places has even increased to 130 000 this year and we have tried our best to earmark resources for the provision of some 30 000 additional places. In addition, the Labour Department

has implemented specialized employment assistance programmes to provide needy job seekers with employment training and support. A pioneer one-stop employment and training centre set up by the Labour Department in Tin Shui Wai will commence operation before the end of this month, to provide job seekers with more comprehensive and appropriate employment and training support.

There is a sound social security assistance system in Hong Kong and the Government has provided free and heavily subsidized services in respect of education, health and housing. In this financial year, the Government's recurrent expenditures in the four major policy areas such as welfare, education, health and housing amounted to \$147.5 billion, which accounted for 57.3% of the total public expenditures.

Our welfare expenditure is increasing and Members would know by next Friday at the earliest that we will apply to the Finance Committee of the Legislative Council for funding under the established mechanism, for a 5.2% increase in CSSA standard payment rates, Old Age Allowance rates and Disability Allowance (DA) rates, with effect from 1 February next year. This adjustment will increase the annual additional recurrent expenditure by \$1.25 billion and benefit 1.1 million people.

The Community Care Fund also provides assistance to needy grassroots. It is anticipated that the 10 programmes confirmed to be implemented under the Fund will benefit 500 000 grass-roots people.

Many Members are concerned about the challenge that an ageing population has brought to Hong Kong, especially about healthcare and retirement protection. The Steering Committee on Population Policy led by the Chief Secretary for Administration has been co-ordinating with various Policy Bureaux in relation to the policies and measures concerning the population policy, with a view to formulating long-term policies to tackle the ageing population problem.

Our current retirement protection system has made reference to the World Bank's three-pillar model, made up of a non-contributory social security system (including CSSA, Old Age Allowance and Disability Allowance), the Mandatory Provident Fund system and voluntary personal savings. The Central Policy Unit has conducted an ongoing intensified study, to optimize, consolidate and strengthen the existing system, and give full play to the complementary effects of

the three pillars. The Government will consider the way forward after the Central Policy Unit has completed the study.

On healthcare, in the face of an increase in the overall healthcare demand due to a growing and ageing population and the rapid development in healthcare technology, the authorities have had substantial annual increase in recurrent healthcare funding from the year 2006-2007 onwards. Up till this financial year, there has been a total increase of over \$10 billion, an increase of 34%, and its proportion in the total government recurrent expenditure has increased from 15% to 17% while the funding for the Hospital Authority (HA) has increased by one fourth.

The HA will use the additional funds to improve public healthcare services and increase healthcare staff, with a view to maintaining public healthcare as the cornerstone of our healthcare system and a universal healthcare safety net.

President, there is no shortcut to handle and solve the poverty problem and we must help those in need in a targeted manner from different levels and angles. Certainly, the Government will continue to be positively committed to investing resources, and it is also very important for various sectors of the community to join hands and make efforts with one heart. We will continue to listen to public opinion with an open mind and enhance various measures. We will also continue to make unremitting efforts and combine the strength of the public, the business sector and officials, to help improve the lives of grass-roots people in genuine need.

President, I so submit.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I would like to respond briefly to the points made by Members in this motion debate about election.

First of all, concerning the voter registration system, the Government has always been committed to ensuring that all public elections will be held in a fair, open and honest manner in accordance with the relevant laws. We attach great importance to the recent "vote-rigging" cases. The Registration and Electoral Office, the police and the Independent Commission Against Corruption are

sternly following up these cases. We will act according to the law regardless of the identity or political affiliation of the persons involved and those who violated the regulations must be brought to justice, so as to maintain a fair, just and honest election. There is a voluntary declaration mechanism under the current voter registration system. Eligible persons applying to become voters are required to confirm the accuracy of the information provided on the application form. Under the existing laws, any person who wilfully makes any false or incorrect statement in voter registration applications may have violated the law, and will be liable to a maximum fine at level 2 and to imprisonment for six months. If the person concerned votes in a subsequent election, he may have violated the Elections (Corrupt and Illegal Conduct) Ordinance, and he will be liable on indictment to a maximum fine of \$500,000 and imprisonment for seven years.

In response to the community's concerns, we will propose improvement measures for the voter registration system to the Panel on Constitutional Affairs of the Legislative Council next week. We will start working in three general directions. First, we will consider if we will ask people registering as new voters or updating their address information to submit valid proofs of principal residential addresses. We need to handle some actual technical problems such as what kinds of address proofs are acceptable and how the applications of eligible voters who cannot furnish these proofs should be handled. We also need to study whether the existing laws should be amended. Second, we will step up the follow-up investigation on cases of several voters with different surnames who are registered under the same address, and consider conducting a sampling survey on the present electoral register, so as to increase the legal risks of persons who furnished false information. Third, we will consider enhancing public publicity in relation to information updating by newly registered and registered voters, and we will carry out the promotions early.

When we consider strengthening the measures, an important factor to be considered is that the right to vote is a basic right of Hong Kong people that must be safeguarded.

Moreover, these proposed measures will inevitably dampen people's incentive to register as voters as many of them will find it disturbing. Nonetheless, for the sake of maintaining fairness and credibility of the voter registration system, I believe the public will understand.

The second point is about the arrangements for filling vacancies in the Legislative Council. We have made some proposals earlier on the arrangements for filling vacancies in the Legislative Council in response to the views of the community that it is necessary to plug loopholes of by-election and re-election to be held subsequent to the resignation of Members and to tackle the problem by amending the legislation. In this connection, we issued a consultation document in July and commenced a two-month public consultation. The consultation period has ended and we are now writing the consultation report and studying further proposals, and the report will be published in due course. I stress that we must find the right balance between plugging loopholes and protecting the public's rights to vote.

The third point is about the requirement about the political affiliation of the Chief Executive. On the issue of whether section 31 of the Chief Executive Election Ordinance should be amended, that is, the requirement for the winning candidate to declare that he is not a member of political party, we have noticed that some parties and groupings in the Legislative Council and some Members have proposed to abolish the current requirement. We have also noticed that the result of an opinion poll showed that more than half of the public think that the requirement that the Chief Executive should not have any political affiliation should be maintained.

The SAR Government opines that the requirement has profound impacts on the effective governance of the SAR and the development of political parties. In view of the fact that the community generally considers that the requirement should be maintained and political parties in Hong Kong are still in a development stage, and we do not have a set of laws on political parties to regulate the operation of political parties, we were working out last year the methods for the two elections in 2012, we decided that the requirement would remain unchanged in the Chief Executive Election in 2012. We agree that a review can be conducted in the long run.

President, a large part of this motion seems to be for the next Chief Executive. When the new Chief Executive is elected on 25 March next year, we believe that he and the team under this leadership would have to lead Hong Kong towards better development in the coming five years in light of the latest development of global economic trends, our positioning in the future

development of our country, changes in the social environment, as well as the overall aspirations of the community.

President, I so submit.

**PRESIDENT** (in Cantonese): I call upon Mr IP Kwok-him to move the amendment to the motion.

**MR IP KWOK-HIM** (in Cantonese): President, I move that Mr Frederick FUNG's motion be amended.

**Mr IP Kwok-him moved the following amendment: (Translation)**

"To delete "given that" after "That, "and substitute with "as lessons drawn from experience show that"; to add "Hong Kong" after "of deep-rooted conflicts in"; to add "and" after "future,"; to add "including: (a) regarding people's livelihood, to enhance the Government's roles and functions, make planning as soon as possible and expeditiously deal with the problems during development, and strive to enable every member of the public to enjoy the opportunities and fruit of development; (b) regarding the economy, to adopt a long-term vision and proactive initiatives to organically link the development strategy of Hong Kong with that of our country, and continuously strengthen Hong Kong's connection with Asia and the international community; and (c) regarding governance, to examine in-depth the relationship between democracy and good governance, and promote democracy in an orderly manner while creating conditions for good governance, so as to" after "reform governance philosophy,"; to delete "principles of development for all people that give consideration to all social strata, formulate" after "a set of"; to delete ", and" after "fair social and economic policies" and substitute with "that give consideration to the development of all social strata,"; to delete "with a view to completely resolving" after "open political system," and substitute with "resolve"; to delete "alleviating" after "conflicts in society," and substitute with "alleviate"; and to delete "building" after "the poor, and" and substitute with "build"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr IP Kwok-him to Mr Frederick FUNG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Frederick FUNG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Frederick FUNG has claimed a division. The division bell will ring for five minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mr WONG Yung-kan, Ms Miriam LAU, Ms LI Fung-ying, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the amendment.

Dr Margaret NG voted against the amendment.

Dr Joseph LEE and Mr CHEUNG Kwok-che abstained.

Geographical Constituencies:

Mr LAU Kong-wah, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted for the amendment.

Mr Fred LI, Mr James TO, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted against the amendment.

Mr Frederick FUNG abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 17 were present, 14 were in favour of the amendment, one against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 18 were present, seven were in favour of the amendment, nine against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, as Ms Audrey EU has withdrawn her amendment, you may now move your amendment.

**MR ALBERT CHAN** (in Cantonese): President, I move that Mr Frederick FUNG's motion be amended.

**Mr Albert CHAN moved the following amendment: (Translation)**

"To add "for returning the Chief Executive and all seats of the Legislative Council by universal suffrage in 2012" after "open political system"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert CHAN to Mr Frederick FUNG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for five minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mr WONG Yung-kan, Ms Miriam LAU, Ms LI Fung-ying, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Dr Joseph LEE abstained.

Geographical Constituencies:

Mr Fred LI, Mr James TO, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr LAU Kong-wah, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted against the amendment.

Mr Frederick FUNG abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 18 were present, three were in favour of the amendment, 14 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 10 were in favour of the amendment, seven against it and one abstained. Since the question was not

agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**MS MIRIAM LAU** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Reforming governance philosophy, resolving deep-rooted conflicts in society and alleviating the disparity between the rich and the poor" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Reforming governance philosophy, resolving deep-rooted conflicts in society and alleviating the disparity between the rich and the poor" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, you may reply now. You still have three minutes and 43 seconds.

**MR FREDERICK FUNG** (in Cantonese): President, I am thankful to the 21 Members who have spoken today. I certainly do not have high hopes on the speeches given by the two Secretaries as they may not necessarily be a member of the future governing team. What I said are my aspirations and views of the future governing team (especially the Chief Executive) of the SAR.

In this debate, I notice that some colleagues from the pro-establishment camp also agree that the future SAR Government does need to have new mindsets, new values and new methods to govern Hong Kong. I believe this is probably the consensus of this Council. However, Mr TAM Yiu-chung criticized that I have smeared the two Chief Executive candidates Henry TANG and LEUNG Chun-ying. I want to repeat my four criticisms against them: First, visiting local districts to stage shows. This is a fact. How many times have they visited local districts during their 13 years' of work as a government official or the convenor of the Executive Council? Why did they not visit local districts before, but do so frequently lately?

Second, it is really very awful to describe a person as a pig or a wolf, or accuse people as stupid. Is this a mud wrestling of the two candidates?

Third, is the election a pretence that has turned real? In my opinion, that is the case. The entire Election Committee has 1 200 members, and among them 80% are professionals and members of the commercial sector. Given that the grassroots have so little votes, how can the Election Committee select a Chief Executive who can represent Hong Kong people?

Fourth, what the candidates have done is superficial with no practical significance. They make promises but not commitments. Can you not see that? These two candidates have undertaken to review the "well-off tenants" policy, acceded to the request for building small houses, and even undertaken to introduce 15-year free education. How come they accede to all these requests today but not in the past 13 years while they were in their official posts? Their undertakings are merely superficial strategies rather than genuine policies to properly govern Hong Kong. We should no longer follow the footsteps of our predecessors and the will of the Chief Executive.

President, Hong Kong is now a metropolis city and the world is entering a new era. Changes and reforms are warranted. We hope that the Chief Executive-elect, even when he is still a candidate, will set out his vision, political platform and commitment for Hong Kong, and show Hong Kong people that this future Chief Executive will not tilt towards the commercial sector, certain industries and the business sector. Nor will it merely help the market to promote profiteering mechanisms. His priority task is to help Hong Kong people properly govern Hong Kong. He is going to govern the entire Hong Kong and its 7 million people, and create a platform and opportunities for the 7 million people to genuinely see their future and hopes. Only by so doing can Hong Kong people feel that the SAR Government is our government, and Hong Kong is our home.

What the SAR Government and the Chief Executive must do is to properly deal with Hong Kong's problems with a new mindset and thinking. Given the prevalence of injustices in Hong Kong, we know that only the SAR Government and the Chief Executive have the ability and power to rebuild Hong Kong into a free market. They can create more industries, more job opportunities and high-paid jobs in Hong Kong, thereby giving young people the feeling that they have hopes to live and work in Hong Kong.

President, Hong Kong people need a just government which can genuinely work for the 7 million people. I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Frederick FUNG be passed.

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr IP Kwok-him rose to claim a division.

**PRESIDENT** (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote. Mr James TO ..... Ms Cyd HO, what is your problem?

**MS CYD HO** (in Cantonese): President, I have pressed the wrong button and wish to press again.

**PRESIDENT** (in Cantonese): I cannot hear what you said.

**MS CYD HO** (in Cantonese): I have pressed the wrong button.

(Some Members still said that they could not hear)

**MS CYD HO** (in Cantonese): President, I am now talking to the microphone.

**PRESIDENT** (in Cantonese): I can hear you now.

**MS CYD HO** (in Cantonese): This is probably because you have only called James TO just now, and the technicians merely switch on the microphone for him but not for me.

**PRESIDENT** (in Cantonese): Never mind. Please say what your problem is.

**MS CYD HO** (in Cantonese): I have pressed the wrong button and would like to change my vote. Thank you.

**PRESIDENT** (in Cantonese): Please try and see if you can change it.

**MS CYD HO** (in Cantonese): Not yet.

**PRESIDENT** (in Cantonese): Then, let me make a note of your vote in the record.

**MS CYD HO** (in Cantonese): I vote "Yes".

**PRESIDENT** (in Cantonese): Ms Cyd HO voted "Yes". Do other Members have any queries? If not, voting shall now stop and the result will be displayed.

**PRESIDENT** (in Cantonese): The voting result is as follows: That among the Members returned by functional constituencies, 12 were in favour of the motion, none against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 13 were in favour of the motion, one against it and four abstained. This is the voting resulted as recorded by our computer, but Ms Cyd HO requested for an amendment and her vote should be "Yes".

**MS CYD HO** (in Cantonese): Right, President, thank you.

**PRESIDENT** (in Cantonese): So, the "No" vote should come from Ms Cyd HO. After the amendment, among the Members returned by geographical constituencies through direct elections, 14 were in favour of the motion, none against it and four abstained. Since the question was agreed by a majority of each of the two groups of Members present, I therefore declared that the motion was passed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Ms LI Fung-ying, Mr Vincent FANG, Dr Joseph LEE, Mr Paul CHAN, Mr CHAN Kin-por, Mr CHEUNG Kwok-che, Mr IP Wai-ming, Dr PAN Pey-chyou and Mr Paul TSE voted for the motion.

Dr Raymond HO, Mr WONG Yung-kan, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU and Mr IP Kwok-him abstained.

Geographical Constituencies:

Mr Fred LI, Mr James TO, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Alan LEONG, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mr LAU Kong-wah, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, 12 were in favour of the motion and seven abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 14 were in favour of the motion and four abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

**PRESIDENT** (in Cantonese): Motion for adjournment.

Under Rule 16(6) and (7) of the Rules of Procedure, I determine that if at the expiration of 75 minutes from the moving of this motion, there are still Members who wish to speak, I shall extend the period of the debate until all Members who wish to speak have spoken, and the public officers have given their replies.

As regards the speaking time, each Member (including the mover of motion) may speak for up to five minutes. The speaking time limit for public officers making replies is 15 minutes.

**PRESIDENT** (in Cantonese): It is now 9.44 am, the debate shall now proceed.

Members who wish to speak will please press the "Request to speak" button.

I now call upon Mr James TO to speak and move the motion.

### **MOTION FOR THE ADJOURNMENT OF THE COUNCIL**

**MR JAMES TO** (in Cantonese): President, I move "That this Council do now adjourn for the purpose of debating the following issue: the fire tragedy at Fa Yuen Street in Mong Kok and ways to improve street environment and fire safety of buildings for the purposes of avoiding the recurrence of similar incidents and safeguarding the lives and properties of the public."

President, a Number 4 alarm inferno claiming nine lives and injuring some 30 people broke out at Fa Yuen Street last Wednesday, much to our grief and sadness. First, I would like to take this opportunity to offer my profound condolences to the deceased while wishing the injured a speedy recovery. I also hope to express my deepest sympathy to the bereaved families and those affected by this tragedy.

President, after this incident, many people have queried why another fire has broken out again, causing greater casualties and more serious damages despite the Government's claim of having implemented various changes and improvements, as well as stepping up law enforcement following a serious blaze at the very same place last year. They wonder what has gone wrong. After the fire last year, the situation saw some improvements. However, with a lapse of only a few months, the old vices return. I can still recall my demand for stringent law enforcement at a meeting with representatives from various government departments. I pointed out that, in consideration of the manpower deployed in inspection and the mode of inspection, if a demerit point system was not put in place, the current arrangements would have no deterrent effects at all. Penalty tickets issued to stall owners would be absorbed as part of the rental paid, in consideration of the monthly rent of shops nearby, which may amount to over \$100,000. How many staff members are engaged in inspection? In particular, how will patrolling be done at night? What should be done? Will goods at the stall be removed at night when no one is around?

In early October, two newspapers conducted an investigation and ran a full-page coverage of the gravity of the situation. Finally, the Government issued advisory letters in November. Have the authorities enforced the law vigorously? President, the basic principle is whether we regard the problem as one which causes inconvenience to pedestrians or one which endangers the lives of residents in nearby buildings. In an Announcement of Public Interest, the saying is, "I want my pavement back, please." and "Can we have our pavement back?" It seems that our current discussions on stall management and obstruction problems only focus on the inconvenience caused to pedestrians. If we still consider the problem from this angle, naturally the conclusion is: should we give hawkers a way out, so that they can continue to ..... so that they need not do businesses in pitches each measuring 3 ft by 4 ft only? After all, they only wish to make a living. So, why should we drive them to a dead end?

However, President, if we think of the serious fire risk that may affect residents in nearby buildings while they are sound asleep, should we consider the problem from this angle? President, I hope that the working group chaired by the Chief Secretary for Administration can roll out a timetable. President, stall owners have already requested for operating their stalls again. But in the absence of effective measures for ensuring people's safety, how are we going to let them do so? Requiring stall owners to dismantle their stalls after trading hours sounds the most effective solution because the complete removal of goods from stalls at night can achieve a scale economies effect with affordable costs. On the contrary, can the Government assure us that the measure of keeping only the metal frames but removing all goods, coupled with its existing mode of law enforcement and even with additional law-enforcement manpower, can ensure no overnight retention of goods at stalls and thus the safety of residents in nearby buildings? In my view, we should consider this matter from a perspective that factors in more decisive actions and the protection of public safety.

**Mr James TO moved the following motion: (Translation)**

"That this Council do now adjourn for the purpose of debating the following issue: the fire tragedy at Fa Yuen Street in Mong Kok and ways to improve street environment and fire safety of buildings for the purposes of avoiding the recurrence of similar incidents and safeguarding the lives and properties of the public."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That this Council do now adjourn.

**MS MIRIAM LAU** (in Cantonese): President, a Number 4 alarm fire at Fa Yuen Street claimed nine precious lives overnight. While its underlying cause still awaits investigation, in any case, this blazing fire has laid bare certain problems, which should be examined carefully and improvements be made accordingly. I wish to take this opportunity to offer my deepest sympathy again to the bereaved families.

As a matter of fact, there have been many fire outbreaks at stalls. For example, a Number 3 alarm fire broke out at Fa Yuen Street in December last

year. After the incident, the Food and Environmental Hygiene Department has introduced new fire prevention measures, for example, requiring stalls to reserve sufficient space as fire escapes, erect stalls with fire-resisting materials, and so on. However, such measures have not been strictly enforced, constituting an indirect cause for this tragedy.

Undeniably, stalls locating in close vicinity of residential buildings certainly impose hazards. For residents' safety, changes must be made in respect of stall management. However, is it necessary to adopt measures such as dismantling the stalls after trading hours, keeping only the metal frames but removing all goods, or implementing a demerit point system? I hope that the Government can discuss all these proposals with stall operators and consult nearby residents, in a bid to identify a fair and feasible approach to initiate changes with minimal impacts on nearby buildings.

I have no concrete idea about which approach should be taken, but I wish to bring up one point — I am not speaking in favour of stall traders — in my view, their proposed measures, for example, keeping only the metal frames but removing all goods, and refraining from fencing their stalls with flammable materials such as canvas, can effectively avert the chain burning of stalls again. No overnight retention of goods and the absence of flammable materials can minimize the risk of fire outbreaks at stalls. Certainly, we have also heard Mr James TO mention earlier that it was a matter related to law enforcement. If only metal frames are retained, one can tell by a mere glance whether any goods have been retained at stalls; law enforcement will thus be easier. In my view, if this is a feasible option, removing all stalls is neither necessary nor justified.

President, the rapid proliferation of the fire might be attributable to some stall owners' non-compliance. Therefore, they do have to take some responsibilities. However, shifting all responsibilities to them is inappropriate because there are other "culprits" in this tragedy, namely, the problems related to fire safety and "sub-divided units" in old buildings.

Many old buildings are premises with "three nos", meaning having no owners' corporation, no management and no maintenance, but with many "sub-divided units". A building involved in this incident had received a fire safety direction from the Fire Services Department as early as 2009 for improvement of its fire safety standards. Yet, the owners have taken no actions,

and the authorities have tolerated the procrastination for over four years; consequently, no improvements have been made before the fire outbreak. In our view, the authorities' overly lax enforcement has doubtlessly condoned flat owners, and "bombs" have been planted one after another in many buildings in our city. We find this totally unacceptable.

After the outbreak of a fire claiming four deaths including a pregnant woman at Ma Tau Wai Road in the middle of this year, there have already been discussions in the community on the latent hazards posed by "sub-divided units". Old buildings with "sub-divided units" have greater number of residents, the fire escapes may be overloaded and some emergency escapes are even be obstructed, thus aggravating the fire safety problems. But the Government has all along refused to tackle the problem. It was only after this tragedy that the Government said belatedly that inspection and monitoring must be enhanced, and directions and orders were subsequently issued. Undoubtedly, the Government lacks foresight as it suddenly realizes the gravity of the problem only after similar incidents have occurred one after another. In this regard, the Government can hardly absolve itself from the blame.

President, as the saying goes "a fall into the pit, a gain in the wit", I hope the Government and various sectors in the community can handle this matter seriously. They should cease to be an "ostrich", or else we have let the innocent victims of this tragedy down.

President, I so submit.

**MR WONG KWOK-HING** (in Cantonese): President, once again, I would like to offer my profound condolences to the deceased and express my deepest sympathy to the injured in this tragedy.

In my view, this fire tragedy does not happen overnight. In order to avoid the recurrence of such tragedies, the Government should adopt various measures and means, as well as raise the efficiency of its work, so as to solve the problems at root. I think the Government has to discuss with residents and their representative organizations, stall owners and their representative organizations, as well as hawkers and their representative organizations to identify feasible solutions in various aspects acceptable by all parties concerned, so as to eradicate

the problems. While residents of those buildings affected by the fire tragedy have certainly suffered most, small traders in that area are also victims of this tragedy. I think that a new mindset is required for resolving this problem. In this connection, I wish to put forward several proposals for the authorities' consideration.

First, building management must be enhanced, in particular in dealing with the "three-nos" buildings, the Home Affairs Bureau must play a leading role, with support from other government departments. On the problem of "sub-divided units", who wants to be bald if one has hair? Therefore, if the Government's target of building 15 000 public rental housing (PRH) units a year remains unchanged, it is lagging far behind the demands. The saying of flexible arrangement is actually shirking the responsibility of building more PRH units.

Second, I think the authorities must step up efforts in maintaining law and order on the streets. As I have once pointed out, why are there arson attacks at street stalls on Hong Kong Island and in Kowloon? In my opinion, the authorities must enhance the maintenance of law and order, especially to combat against the illegal syndicates which manipulate traders' means of living behind the scene and threats their safety.

Third, I hope that the authorities would be committed in formulating a set of standardized stall specifications, to be applied to all fixed street stalls, so as to bring street management, hygiene and safety under proper management. This approach is more desirable than strict laws and heavy penalties. I hope that stall owners, especially hawkers, can comply.

Here comes my last proposal. I hope the authorities can consider installing smoke alarms and fire services sprinklers at fixed stalls on the streets — I am not talking about those stalls that have to be dismantled after trading hours. Why do I put forward this proposal? In recent years, the Government has, with the help of the Fire Services Department and the Food and Environmental Hygiene Department, improved fire services sprinklers and smoke alarms in public markets in response to fire outbreaks. Since the Government has approved the setting up of fixed stalls right in front of densely populated residential buildings, it should provide funds to install fire service water tanks on the rooftops of the buildings concerned, as well as to install fire services sprinklers and smoke alarms in staircases leading to the streets, so as to ensure

fire safety of stalls as well as that of fire escapes (especially the rear staircases) of buildings behind such stalls. I hope that apart from the Government's earlier proposals of dismantling stalls after trading hours, keeping only the metal frames but removing all goods, and relocating all stalls, the Government can adopt a new mindset in considering and studying the feasibility of implementing my proposal on a trial basis. In my view, so long as the Government is willing to think, it can definitely come up with a holistic solution. Thank you, President.

**MR FREDERICK FUNG** (in Cantonese): President, first of all, may I express my condolences over the death of nine victims and my sympathy to their families and the injured.

This incident has brought to light problems in two aspects, one of which is the problem involving "fixed stalls". Regarding these "fixed stalls", there are various types of stalls in Hong Kong at present. In some cases, "stalls and goods are kept at night", stalls in Fa Yuen Street belong to this type. In some cases, "stalls and a small amount of goods are kept at night", stalls in Apliu Street and Fuk Wing Street belong to this type. During the day, traders will display a great variety of clothes and electric appliances for sale, and after the trading hours, they will put their things in a stall of 3 ft by 4 ft. The third scenario is "no stall and goods are kept", and this is the situation in the "women street" ..... no, it should be the Temple Street. Regarding the various scenarios, different management approaches should be adopted. However, I notice that the management approach now adopted by the Food and Environmental Hygiene Department (FEHD) is one of "regulate with no care". In other words, though regulation is put in place, the authorities just turn a blind eye to the problem. Even if hawker stall owners violate the regulation again after being fined, they will only be fined again, and the authorities will not care to address the problem. The crux is that the Government does not care.

I think the Government should consider formulating a standardized policy for the three scenarios involving "fixed stalls" which I mentioned earlier, and to implement the policy in a consistent manner. Certainly, the authorities have to consider whether the approach of "setting up stalls only during trading hours" is the most effective solution. I think this is worthy of examination.

Definitely, when the authorities come up with a solution after examination and request existing stall owners to comply, if the new approach may affect the livelihood of stall owners, the Government must give them time for compliance. For elderly stall owners, the Government should offer assistance, so that they can adapt to the new mode of operation gradually.

The second problem is about "sub-divided units". This Council has discussed the problem of "sub-divided units" a number of times. In fact, the main reason leading to "sub-divided units" is the shortage of accommodation. Theoretically, accommodation problem should be addressed and dealt with by the Transport and Housing Bureau. More public rental housing (PRH) flats should be built to enable the needy to move into PRH flats upon waiting for a reasonable period of time. However, this is not the case at present. As many people cannot get a PRH flat in urban area, they thus rent "sub-divided units" for the convenience of work, and the demand has created a market for "sub-divided units".

The emergence of "sub-divided units" does not only affect the building structure but also poses a direct threat to fire safety. I think the Fire Services Department (FSD) is now in the best position to address this problem. Either by means of inspection or spot checks, the FSD should examine ways under current policies and within its existing authority to improve the fire safety of communities abound with "sub-divided units". However, should "sub-divided units" be replaced all in one go? I think the authorities must introduce supporting housing policies. Otherwise, residents of these "sub-divided units" will be forced to move out, not knowing where they can live.

The second aspect involved is fire safety. In fact, the several incidents in the past have unveiled the fire safety problem of "sub-divided units", and the casualties had been heavy, particularly in buildings with many "sub-divided units". Actually, the FSD should step up its effort in fire safety promotion in densely populated communities or old communities, as well as in districts with no or inadequate fire escapes, and the FSD should ..... I am not sure if the FSD can organize fire drills in those communities, for fire drills are also carried out in the Legislative Council. Certainly, the question is whether fire drills can be carried out in communities. Fire drills are carried out in estates managed by the Housing Department. For the two public housing estates in my District Council constituency, fire drills are carried out once every three months. As for private buildings, it may not be possible to carry out fire drills for all the buildings along

the same street, yet should residents, tenants or owners be informed clearly of what to do when a fire breaks out, so that they will not be trapped in the staircases ..... Most victims are killed not by fire but by smoke. Will the authorities make effective effort to improve the situation in densely populated and old communities?

Finally, I think stall traders should also be responsible. They have set up their own business associations. Is it possible for the business association concerned or all business associations in the territory to collectively employ attendants or watchmen? Apart from Fa Yuen Street, traders in streets of similar nature may also employ watchmen, and they may set up self-management groups, similar to the mutual aid committees set up in the 1970s and 1980s, and their own watchmen teams. These suggestions can be used as reference in improving the business environment of these "hawker stall streets" in maintaining law and order of these streets. Thank you, President.

**PROF PATRICK LAU** (in Cantonese): President, it is sad to learn that the blaze at Fa Yuen Street has left nine people dead and 34 injured. Members and I would like to take this opportunity to express our heartfelt sympathy to the families and friends of the deceased.

First, I have to point out that many of the deceased lived in the building completed in the 1960s. I have visited the scene at Fa Yuen Street after the incident and studied the plan of the building to know the building structure. Actually, there are two fire escape staircases in the building ..... Certainly, as mentioned by other Members earlier, the demand for "sub-divided units" are buoyant at present. Given the high property prices, many people cannot afford renting a whole unit. On the other hand, it takes some time to be allocated a public rental housing (PRH) flat. More so, transport fares are increasing. Many residents in remote areas cannot but rent "sub-divided units" in urban areas as temporary accommodation for the convenience of work and reduction in expenditure. As a result, the rent for "sub-divided units" is more expensive than that of luxury flats. However, despite reaping fat profits, owners of "sub-divided units" do not attempt to comply with the basic fire safety requirements.

First of all, I propose that it is most important for residents of "sub-divided units" to know their living environment well. They should walk around their

units immediately to check how they can get down to the ground floor or get up to the roof, and how they can get to the alley behind their building via the fire escape staircase. If the fire escapes of the buildings are obstructed, they should notify the Buildings Department for the sake of their own safety. In the past, many residents of squatter areas would keep their important documents and valuables in a small bag, so that once a fire broke out, they might simply take the bag with them and run for life.

Moreover, I think residents may purchase smoke detectors and link the detectors to their alarm clocks, so that they will know and wake up when there is smoke in their units. If residents can afford, they should replace the front doors of their flats with fire doors. This is important. If people are really worried, they should keep fire extinguishers or oxygen bottles at home. These precautions have to be done by residents.

In fact, the Director of Bureau concerned had brought up a problem which I consider is the most serious issue, that is, most of the deceased were killed by smoke in the fire escape staircases. Hence, I think the Government must examine the issue with owners and identify ways to improve the fire escape staircases and main staircases to prevent smoke from entering the staircases. I think this is the most important concern.

Earlier, many colleagues have mentioned the cause of the fire, I also think that ..... some colleagues queried earlier if this should be attributed to the height of hawker stalls ..... After a site visit, I notice that the top of hawker stalls is close to the bottom of the balcony of the building. There are many canopies outside these buildings, probably used as rain shelter by residents. Yet, these canopies have connected the buildings with hawker stalls. The situation can be improved easily, do not install too many canopies to link up with hawker stalls. If hawker stalls are densely located, it will easily lead to chain burning of all hawker stalls, as many Members have mentioned. Hence, I think improvement should be made by all means. Definitely, it is most desirable that the Government can find a solution to solve the problem of storage of goods for traders, and traders should also find some safe warehouse to store their stock. At the same time, traders should use fire resisting material as covering sheet to protect their goods, and this will solve the problem. Moreover, a specific distance should be maintained between hawker stalls, as well as between hawker stalls and buildings. I believe improvements in these aspects will restrict the

spread of fire for a moment if a fire breaks out in a hawker stall. For the time being, some people have raised the concern that the fire might be sparked off by problematic electric wires or other kindling materials, yet this can only be confirmed after investigation.

President, indeed, I am most concerned about the residents of "sub-divided units". Hence, we will discuss this issue at the Subcommittee on Building Safety and Related Issues (*The buzzer sounded*) ..... Thank you, President.

**DR PRISCILLA LEUNG** (in Cantonese): President, human lives are at stake. In the blaze at Fa Yuen Street, nine people lost their lives, so we can no longer stick to the previous approaches. Last year, at this time, I applied to raise an urgent question about the fire of hawker stalls occurred at the time, but since the fire did not cause any death, I was not allowed to raise an urgent question. This actually reflects our views on the fire. Indeed, that fire is a serious alarm.

Had we been familiar with the situation of the hawker stalls in Fa Yuen Street and the area, we would have known that sporadic fires, though small in scale, had broken out there. In the blaze last year, 50 hawker stalls were burnt down, which was indeed a dire warning. Regrettably, we still stuck to the standard approach in handling the case. Now, no matter how many summons are served, the death of nine victims could not be reverted. On the day of the fire, when I arrived at the scene, I met a very close friend of mine. I stayed with him till he received a call confirming the identity of her daughter who had been reported lost for eight hours. I am very upset, for we had failed to prevent the reoccurrence of this tragedy over the last year.

Apart from conducting inspection and initiating more persecutions, the departments concerned should maintain close communication with local residents. Had they done so, they would have known that apart from hawker stalls owners, commercial tenants in the district also had carried out repair works at their own cost after the fire last year, for most of them failed to claim insurance. It seems that the residents there have accustomed to the outbreak of sporadic fires, and yet they still live there. Why would this happen? Yesterday, I asked the Secretary whether he considered the inadequate fire safety facilities had impeded the work of firemen in putting out the fire. I definitely admire the firemen in Hong Kong. Many of them are going all-out in their

work, yet we fail to render adequate support to enable them to rescue the victims swiftly. I think this is the greatest cause of concern.

When Members chat with hawker stall owners, residents, owners and commercial tenants of the district, they will find that many of the suggestions, including dismantling the stalls after trading hours and introducing a demerit points system, put forth today have been proposed over the past year. Many colleagues and I have queried whether the authorities can provide better assistance. Last year, strenuous efforts had been made after the fire to assist hawker stall owners to remove the dangerous frames. However, they have to borne the cost of rebuilding. Of course, we may simply say that they have to pay the cost for their business. Yet what is the outcome by letting them pay out of their pocket for the work? The structures are varied in size and there are problems of "sub-divided shops" and "sub-divided units".

We should learn from the painful experience, so that the death of nine people would not be in vain. I hope we will not have to discuss this problem again in future. I believe people in Hong Kong will very much agree to allocate resources for the installation of water sprinkler systems, the framework of hawker stalls, as well as water tanks, fire escapes and alarm systems, as mentioned by colleagues earlier. Can better hardware be provided? Honestly, after the current fire at Fa Yuen Street, wherever I went to be the officiating guest of honour, including Wan Chai, stall traders would tell me about their concerns, they did not know whether they should continue their business operation. If they are allowed to continue their operation, should assistance be rendered in a systematic manner? For elderly hawker stall owners who are incapable of dismantling their stalls after trading hours, should resource be allocated to ensure a smooth transition. This is kind of emergency arrangement for a disaster, something we should do to pay tribute to the nine people killed in the fire. Neither the Legislative Council nor the Government should allow any delay, for the problem must be addressed immediately.

Moreover, many owners have pointed out that there are many buildings over 50 years of age in the district. They have provided us with the licence numbers of the hawker stalls concerned, hoping that Barry CHEUNG would seriously consider their request for redevelopment. We should not be opposing each other and create obstacles; we should facilitate the sound development of the district, so that all parties will live in harmony. We should not let them live in

places where a fire will break out at any time, but places where they can .....  
(*The buzzer sounded*)

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

**DR PRISCILLA LEUNG** (in Cantonese): ..... live happily.

President, I so submit.

**MR LEE WING-TAT** (in Cantonese): President, I would like to express my views on three main points. The first one is about the management of hawker stalls. A number of Honourable colleagues have expressed their views, but I think the Secretary may need to consider the principle involved. At present, the focus of hawker stall management is law enforcement and management; as for the allocation of resources ..... as it involves business operation ..... However, I hope the Secretary of Department and the Directors of Bureaux will consider the issue from another angle. To a certain extent, hawker stall management has exceeded the general scope of business operation management of stalls, as in the case of the Operation Building Bright, on which we have had detailed discussion with Secretary Carrie LAM earlier. Why did this Council approve the granting of subsidies under the Operation even though the amount involved was huge? The reason is that it is a matter of public safety and health. If the issue of hawker stall management is considered from this perspective, I support the views of some Honourable colleagues that in handling certain issues related to stall management, there is a need for the Government to allocate additional funds to install extra fire safety facilities, fire escapes and fire alarms. The Government, however, thinks that such acts seem to subsidize the business operation of stalls. I think the Government should not think this way. Just think, installing extra equipment may not cost much, but it can greatly improve the overall management.

The second point that I want to highlight is about "sub-divided units". I appreciate Secretary Carrie LAM's efforts in many aspects of work in the past, but she should be frank with the public about her difficulties, that is, her hands are tied. To put it bluntly, Secretary Carrie LAM does not have much power at her discretion. To put it even more bluntly, she is in fact merely a "Secretary for

Inspection", who cannot get all problems solved. Following the collapse of a building at Ma Tau Wai Road, she initiated a territory-wide campaign to inspect specified types of buildings. After this tragic blaze killing nine people, she kicked off another inspection campaign. Certainly, I am not against the campaigns, but I wonder if this is the solution we are all looking for.

First of all, let me make it clear that I do not buy the idea of scrapping caged homes and cubicle apartments, as this is impractical under the current situation of Hong Kong. Nevertheless, in saying that inspection would be stepped up to us, people who are familiar with the relevant policies, what message did Secretary Carrie LAM really intend to convey? What is meant by "stepping up inspection"? Does it mean that officers of the Buildings Department officers, standing on the ground floor of a tenement building and seeing that there are eight letterboxes for the third floor, go up and knock on the unit as they think there are "sub-divided units"; and when tenants do not open the door, they apply for a warrant to go inside for inspection? We do not expect this kind of reply from Secretary Carrie LAM. As I am quite familiar with the relevant policies, I find the remark "stepping up inspection" rather abstract. What does she actually mean? As for the safety of "sub-divided units", particularly the problem of fire escape which I am very much concerned about, what joint actions will be taken by her and Secretary Ambrose LEE, who is sitting next to her, to show that she is not only a "Secretary for Inspection", but also a Secretary who can solve the problems? This issue is related to my third point of view, it falls under the purview of Ambrose LEE. I am going to raise strong criticisms on his Policy Bureau and the Fire Services Department (FSD).

In the Chief Executive's Question and Answer Session early this year, I pointed out that the FSD has been conferred with great powers under the Fire Services Ordinance to inspect the fire escapes of "sub-divided units". The FSD has great power to rectify problems such as blocking rear doors, piling up of objects in rear staircases, and narrow corridors inside "sub-divided units" that a person can hardly pass through.

In a television footage I saw few days ago, a Divisional Officer (West Kowloon) of the FSD said that as a usual practice, they would only take action after receiving a complaint. If that is the case, he had better go home and sleep! I was really furious upon hearing it! Is the Divisional Officer not going to take any action until a complaint has been filed?

Moreover, it was reported that some tenants had been issued a Fire Hazard Abatement Notice, but actions were delayed for four years as the owners concerned were not co-operative. Can I ask the two Directors of Bureaux, are you the ones who have allowed the procrastination? If you take actions to protect lives but the owners concerned do not co-operate, I support your act of mandatorily enforcement. Similarly, I supported Secretary Carrie LAM when she issued notices to owners of tenement buildings in Ma Tau Wai Road this year, warning them that if they did not remove the blocked doors, the Buildings Department would do so for them. However, the Department only took action a month later. Similarly, why did the FSD take years to rectify the serious problems of blocked rear doors and fire escapes? Should a tougher stance be taken? Does it mean that only when there are casualties that the Secretary will come to this Council and tell us of her plans to inspect the rear staircases and fire escapes to ensure that they are not blocked, and to inspect tenement buildings adjacent to hawker stalls? I have stronger and stronger feeling that the Government handles the issue casually, just trying to put the public and this Council off.

Thank you, President.

**MR VINCENT FANG** (in Cantonese): President, many people say that human beings are stubborn, in the sense that they will neither behave nor stop repeating mistakes until they have learnt a lesson. Regrettably, the blaze at Fa Yuen Street that took away nine lives indicates that we have not learnt a previous lesson well in many aspects, thus another tragedy happened again. I really hope that the Government and this Council can have a good discussion today to examine how problems can be rectified in the light of this tragedy; that is the real purpose of today's adjournment debate.

As a matter of fact, the Ma Tau Wai Road tragedy that took place in the middle of the year, killing four persons and an unborn child, well illustrated that the problem of "sub-divided units" should be immediately handled. Although the problem of "sub-divided units" is complicated and takes time to tackle, it is a key factor leading to the Fa Yuen Street blaze in which nine people were killed and 34 injured. The Government should of course be blamed for not solving the problem. Yet, fingers are now pointed at stall operators, claiming that they

should be responsible for the blaze. In fact, flat owners of the buildings concerned should also have their own share of responsibility to take.

This time last year, a fire broke out in a place near to the current fire scene of the Fa Yuen Street incident. The blaze was strong, but luckily, no life was lost. After that, the Food and Environmental Hygiene Department (FEHD) set out strict requirements for re-erecting hawker stalls, which gave rise to clashes with stall operators. I had attempted to persuade the stall owners and plead with FEHD officers. While many people say that the situation has not been improved, I am pretty sure that improvements have been made, which include reducing the size of stalls so as to allow access of emergency vehicles, and the access between stalls have also been improved. Of course, there are still people who do not comply with the law. When I raised a proposal to preserve open-air bazaars with special characteristics years ago, I propose that the Government should regulate the hawking activities of stall operators and then beautify the open-air bazaars, so that the bazaars and residents can coexist in a peaceful manner, and these bazaars can become a special characteristic of Hong Kong.

To my regret, the Government has yet to make its policy direction known. Secretary Dr York CHOW, in view of the rage and furor that this tragedy has sparked off, your colleagues are obliged to enforce the law strictly. With your strong determination and tough stance, I hope you can accomplish the work of beautifying and regulating open-air bazaars in one go. In my view, you will succeed in your work in the areas of law enactment, application for funding as well as winning public support.

The second party to blame is of course the stall operators. They now understand that they have to co-operate with the Government, and are willing to accept the practice of "removing the commodities without dismantling the stalls at night", since non-retention of commodities at night can reduce the risk of fire. Nevertheless, I consider the practice of "setting up stalls only during trading hours" inconvenient and annoying to the public.

The third party to blame is the owners of the buildings concerned. From the television footage, we can see that in the building where the fire broke out, the rear staircase was piled up with sundries, all rear doors were locked, and the staircase was stacked with construction materials. Even though the affected residents managed to make it to the staircase, they still could not find their way

out of the scene as their access was blocked. We are aware that many old building have not set up owners' corporation, hence the building is not properly managed. In my opinion, we can rely greatly on the help of District Council members to help owners of old buildings to set up their owners' corporations.

Nevertheless, should the problem of building management, including that involving "sub-divided units", remain unsettled, can we say that warehouses dedicated to the storage of commodities are safe? Secretary for Development, I think you have to tackle the problem speedily and resolutely, so as to solve the problem expeditiously. Otherwise, I worry that this kind of tragedy would recur again.

I so submit. Thank you, President.

**MR ALAN LEONG** (in Cantonese): President, first of all, on behalf of the Civic Party, I express condolences to the deceased in the Fa Yuen Street blaze and wish the injured a speedy recovery. We also extend our deepest sympathy to the family members of the deceased.

President, from the perspectives that our Honourable colleagues took in raising their urgent questions yesterday, it is obvious that the casualties involved cannot be attributed to a single reason. From the main replies to the urgent questions raised yesterday, I noted that the Chief Secretary for Administration indicated that he would lead an inter-departmental group to handle relief work. Yet, it seems to me that the focus of the relief work he mentioned is on preventing the recurrence of fire, but not on identifying an ultimate solution from the perspective of policymaking. I hope that the Chief Secretary would re-consider this point.

President, I would like to mention two points briefly today. First, I learnt from media reports that in visiting the injured in hospital after the blaze, Chief Executive Donald TSANG admitted insufficiency in the remedial measures taken after the fire that broke out on 6 December last year in a place in close proximity to the current fire scene. Let us see how deep his reflection was.

President, prior to the 30 November blaze, some media reports in October revealed that, upon site inspection, it was found that the access between hawker

stalls in the area had not been widened, instead, it has been increasingly narrowed to only half of the required level; in some cases, the access could only allow one person to pass through. One reason for this situation is that some stalls have been illegally sub-let. However, the reports quoted the words of a spokesman from the Food and Environmental Hygiene Department, saying that despite rising number of complaints, they did not identify from their investigation evidence strong enough to prove a case of illegal sub-letting, so no prosecution was pursued.

President, according to the Official Record of Proceedings of this Council, Members raised relevant written and oral questions after the Number 3 alarm fire on 6 December last year, in which seven people were injured. In its reply to a written question raised early this year, the Administration remarked that a number of measures had been put forward, including (I quote) "reserving sufficient space between hawker stalls to facilitate evacuation of residents of buildings in the vicinity; reserving proper separation space between hawker stalls which are not joined together so as to prevent the spread of fire ....." and so on.

The facts unearthed by the media in October this year indicated that Chief Executive Donald TSANG might have truly reflected on the current blaze, as seen in his admission that the Administration did not take last year's experience seriously to implement sufficient remedial measures.

President, I discussed with the Chief Secretary for Administration about another issue yesterday. In the Civic Party's view, the issue of "sub-divided units" is a key factor in the current blaze, as presumably admitted by the Administration. Nevertheless, the Government has yet to figure out a solution that is all-inclusive and complete in nature. As the issue certainly involves Hong Kong's land and housing policies, it is my wish that the inter-departmental group led by the Chief Secretary for Administration can put greater emphasis on the provision of more public rental housing (PRH) units so as to serve the needs of those living in "sub-divided units" and give them peace of mind.

President, in the past, squatter huts were built along the hillside of Hong Kong, the colonial government devised a PRH policy to solve the squatter problem by root. By nature, the problems posed by "sub-divided units" nowadays are not much different from those of squatter huts in the past.

**DR PAN PEY-CHYOU** (in Cantonese): President, this Number 4 alarm fire has taken away nine lives and left indelible traumas on the bodies and minds of 33 people. We hope the deceased may rest in peace and wish the injured a speedy recovery.

From the information on the fires that broke out in hawker stalls in recent years, I could note some jaw-dropping findings. These fixed hawker pitches are found in 31 places across Hong Kong Island and Kowloon. Yet, according to the information I obtained from the news media and the Internet, over the past eight years, only 14 cases of fire broke out in these stalls, seven of which took place at Fa Yuen Street, six in the vicinity of Kam Wa Street and Mong Lung Street, Shau Kei Wan, and one at Marble Road, North Point. The figures indicate that this kind of fire is selective in nature given its occurrence in only several places, and that hawker stalls *per se* are not necessarily places with higher risks of fire.

Then, I noted the hours at which the Fa Yuen Street fires took place in recent years: the first one broke out at 3 am on 16 September last year; the second one at 5 am on 6 December last year; and the third one at 4 am last Wednesday. These figures prompted me to ask myself: why were the hours so close to each other, and what made those few hours before dawn particularly fire risky? To be honest, I have neither the answer nor the clue to these questions.

Of the 14 fire outbreaks over the past eight years, eight of them had been confirmed as arson. Three fires broke out in the vicinity of Mong Kok in the early morning of 6 December 2010, some claimed that the three locations of the fire scenes were meant to surround Mong Kok Police Station in a triangular shape. Following the Number 3 alarm fire on 6 December last year where 50 hawker stalls or so were burned down, the Government pledged to improve the safety of hawker stalls, and enhance the law and order there. Nevertheless, in a feature article published in *The Sun* on 6 October this year, members of the District Council (DC) interviewed revealed that no significant improvements had been made, as we had all anticipated.

The DC members remarked that nine out of 10 stalls were sub-divided, but the situation went unnoticed in the eyes of Food and Environmental Hygiene Department staff. In addition, the Government had not taken any initiative to discuss with hawkers in the area on how improvement could be made. With the

law not being enforced and the problems not being tackled in a proactive manner, what does that mean? It reflects that the Government is not resolute enough in exercising its governance, which is precisely the biggest problem facing us today as revealed in this blaze.

Let me make a metaphor. Hong Kong is a giant ship, and every case of irregularity or illegality is like oyster shell that adheres to that ship. For a shipmaster who is sensible and hardworking, maintenance work will be regularly done to shovel the shells away. What if these shells are left intact? Dozens of shells may not make much difference; hundreds of shells may slow the ship down and more fuel is needed; thousands of shells may lower the ship as the shells are very heavy, the ship will then sail at a slow speed; tens of thousands of shells may ground the ship and even cause it to sink sooner or later.

Therefore, I would like to urge the Government, the current arrangement of handling the aftermath work through inter-departmental effort is merely a start, it should proceed to set up an independent committee to look into the causes of the incident. Various experts may be invited to join the Committee and retired judge may be invited to head the committee, people familiar with the area concerned may also contribute to the deliberation. For a major incident where nine people were killed and 33 are injured, it is necessary to conduct a review and an investigation, only in this way can be sure that similar unfortunate incidents will not occur again.

I so submit.

**MS STARRY LEE** (in Cantonese): President, on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong, I express profound condolences to the deceased in the blaze and extend my sympathy to the injured and their families. I also wish the injured a speedy recovery. We appreciate the efforts made by the District Office and relevant departments in relocating the affected residents within a short time. We hope that the Administration would keep up their effort to address the needs of those being affected.

I would like to talk about the management of hawker stalls first. The blaze in question was caused by multifarious factors, including improper hawker stall management, lax enforcement of law by government departments, additional fire risks posed by "sub-divided units", as well as the vacuum management of

buildings with "three-nos". As for the management of hawker stalls, a subject of extensive discussion in recent days, I agree to the Government's suggestion to handle easy tasks first and difficult tasks later.

Second, I would urge the Government that, in considering ways to improve the management of hawker stalls, it should think out of the box. It should not tighten the purse string pertaining to fire safety improvement on the excuse that the stalls are privately run. Should Members pay a visit to the scene, they will see many of these stalls are family-run businesses through which the grassroots have been supporting their families for years. Out of a need to protect public safety, the Government now has strong justifications to consider installing some essential fire systems for these stalls or altering the covers of these stalls. Apart from hawker stalls in Fa Yuen Street, many stalls in Hong Kong still use flammable materials as covers, as the case in Sham Shui Po which I visited yesterday. The Government should consider my idea in view of the potential danger.

Third, I demand that the Government should be persistent and effective in enforcing the law, instead of making great changes only after the occurrence of an accident. Hours after the blaze, I went to the scene after 7 am, and a number of residents told me that they had lodged complaints to the Government many times about "sub-division of stalls" by stall owners and the operating areas of stalls extending outside the permitted areas, but the Government was soft-handed and ineffective in enforcing the law. However, after nine lives were lost in the blaze, vigorous effort was made to enforce the law. The Government should enforce the law effectively, but it should not only do so after an accident has taken place.

I went to Fa Yuen Street two days ago and chatted with the residents and stall owners there. The stall owners have raised several demands, and I hope that the Government would consider their views in mapping out the way forward. First, they requested the Government to re-open in phrases the affected area upon the completion of a certain stage of the investigation, so that they can operate again. Second, no matter how hawker stall management is going to be strengthened, there has to be a reasonable time frame for implementation, since it is impossible to turn things around overnight. Third, the Government should reach a consensus with stall operators expeditiously, so that they can tap into the Christmas buying spree in time. Most of these stall owners are victims of the fire.

Apart from hawker stall management, I would also like to talk about "sub-divided units". Secretary Carrie LAM demonstrated yesterday her commitment in tackling "sub-divided units", but what enraged me most is not the reply given by the Secretary yesterday, but the way in which the Government has been handling the problem. As a member of the Kowloon City District Council (DC) for 10 years or so, I remember clearly that fellow DC members had brought this problem to the attention of this Council when we first met with the Legislative Council Members for exchange of views. At that time, government departments, including the Buildings Department (BD), were reluctant to take any actions to address the problem. When we approached the BD, we were told that "sub-divided units" did not fall into the category requiring clearance; and our complaint to the District Office also went unheeded. Now Members realize that "sub-divided units" have been involved in every serious accident. In fact, "sub-divided units" may not be the major or only cause of the accidents, but in case of fire, the fire escape would surely be overburdened. This explains why members of the public have been blaming the Government for being loose with respect to the existence of these units to a point that is almost out of control.

I understand that "sub-divided units" cannot be removed all of a sudden. In retrospect, if these units had been subject to application and approval, cases of water seepage would at least have been reduced by hundreds, or the fire escape of buildings would have been improved. Therefore, I hope the Government can come up with a better housing policy to further address the problems posed by "sub-divided units".

**DR MARGARET NG** (in Cantonese): President, Members raised a lot of questions concerning the fire at Fa Yuen Street during our discussion of the urgent questions yesterday. Our attention was focused on the issues of hawker stalls, "sub-divided units", fire services and housing policy. However, the fire at Fa Yuen Street in fact reflects the real situation in Hong Kong where the common people are trapped in the community, struggling to earn a living. It reveals the stark reality of the condition in old districts, aged buildings, narrow streets and the life of hawkers. Are people who live and work there really unaware of the risk? Do they not know that a fire had broken out before? They do not want to have another tragedy, but why did a tragedy take place again? Why do they still stay in that place after the tragedy? Why are hawker stalls still set in the same location after the tragedy? The hard reality is that they do not have much

choice, they do not have other places to live in and do business, and therefore they have to return there even though the place is still dangerous.

President, Mr NG Chi-sum published an article in the press two days ago, comparing the present situation to the condition of squatter areas in the 1950s. At that time, there were many unauthorized structures posing serious fire risk. Residents of "sub-divided units" are also walking on a legal tightrope and some of them even break the law and involve in activities such as illegal tapping of electricity. I believe Mr Frederick FUNG is also very familiar with this situation. I wish the fire at Fa Yuen Street could inspire new thinking from us, as did the blaze in Shek Kip Mei which had led to the introduction of a remarkable housing policy. President, I of course agree that the authorities should step up law enforcement, especially on the problem of "partitioning" flat units. Secretary Carrie LAM also pointed out yesterday that "partitioning" flat units, coined by us as "sub-divided units", is not necessarily illegal. There are various ways to partition flat units without violating the law, and the safety factor can be well taken into consideration.

While the importance of law enforcement cannot be over-emphasized, enforcing the law in a proper way is even more important. I think we have to be more proactive and lend a helping hand to residents and hawkers in that area. The Government can of course strictly enforce the law; it can uproot the weeds grown between the rock edgings and seal the rock edgings with cement to prevent the weeds from ruining the rock wall. However, where can the weeds grow then? Is there any other space for the weeds to grow? Therefore, the key to success is, apart from law enforcement, more proactive actions must be taken to improve the environment, such as carrying out inspection activities, so that the safety of residents living in old districts can be safeguarded.

President, in this respect, I believe we have to think of ways to mobilize people living and working in local districts to take the lead in forming some kinds of organizations that represent the residents, the hawkers and the community. Can District Council Members take a further step forward and facilitate such activities? While residents and people working there need to take the initiative and help themselves in order to take charge of their own safety, the Government and the community also have to provide care and support to facilitate the successful formation of such organizations and chart a new way forward for them.

President, in order to solve the problem at root, an overall social improvement is indeed needed, especially the momentum of upward mobility. As Mr NG Chi-sum mentioned in his article entitled "*The killer is not hawker stalls, but the land and housing policies*", the root cause is property hegemony, which has led to the loss of many lives in society. It is high time to make up our mind to push through reforms and I hope the fire at Fa Yuen Street will propel positive changes that mark a new chapter in our history.

Thank you, President.

**MR RONNY TONG** (in Cantonese): President, in today's debate, while we pay tribute to those who passed away and extend our deepest condolences to their family members and to those injured, we should also explore the issues concerning who should bear responsibilities for the repeated tragedies and what improvements can be made.

Many government officials and our colleagues focused their attention on the handling of hawker stalls at yesterday's and today's meetings. It is undeniable that we need to handle the issue of hawker stalls and its safety problem. However, whether the fire is an accident or an arson, the extent of casualties depends on whether the fire prevention facilities of a residential building have reached the acceptable standard of our society. In other words, if the fire broke out in buildings that are not old and without any "sub-divided units", the number of casualties might not be so high. Therefore, the key to the problem rests on how to improve the safety of residential buildings.

As many colleagues have just mentioned and Dr Margaret NG who spoke before me has also pointed out, what strike us most is that in introspect, in the 1950s and 1960s, the blaze that swept through Lin Fa Temple and Shek Kip Mei had triggered a series of adjustments in housing policy by the colonial government, which included the setting up of resettlement areas and the building of low-cost housing estates, thereby allowing all Hong Kong people to have a home of their own during the colonial era. After the reunification — as discussed during yesterday's debate — supposedly, our society should have progressed, with more democratic elements and Hong Kong people being masters of their own place; yet has our living conditions been improved? Previously, we had squatter huts and cardboard huts; now they were replaced by "sub-divided

units" and squatter huts ..... we still have rooftop huts and unauthorized cardboard huts in Hong Kong. The living condition of these so-called "residence" is unbearable. Even so, our Chief Executive still said solemnly and complacently in Australia that all Hong Kong people have a "roof over their head". He forgot that there are still many street sleepers, and those living in "sub-divided units", squatter huts and rooftop huts, though not street sleepers, just have a "roof over their head", and the safety of their lives are not well protected. This is clearly manifested in the Fa Yuen Street tragedy.

I very much agree with what Dr Margaret NG has just said. What we have to deal with is not just the issue of whether the Government has the authority to break into flats. Can the problem be resolved if the Government breaks into flats to count the number of bedspaces and "sub-divided units"? Where can these people go if the Government forces them out of these places? Are we going to let them sleep on the street? Sleeping on the street can probably spare them from the threat of fire, but they will still have to worry about many other social problems. Therefore, breaking into flats is not the solution to this problem. The Secretary said in this Council yesterday that they had such authority and would make the most of it. It seemed to imply that this was the solution. In fact, this is only a superficial solution, the root of the problem is that, for such an affluent society as Hong Kong, our housing policy must be thoroughly reviewed. I hope that we can, at the very least, live up to the standard of that in the colonial era where everyone has a safe place to live in. It is a social responsibility.

President, I very much hope that the Secretary will not respond to us by just saying how to break into flats, but will tell us how to deal with those living in "sub-divided units". They are people with flesh and blood and they too have family members of their own. Thank you, President.

**MR CHIM PUI-CHUNG** (in Cantonese): President, I once said that two factors affect the lives of people in Hong Kong. First is natural calamity and second is human disaster. I also said that as compared with other regions and cities in the world, Hong Kong seems to have far less natural calamities (particularly typhoons). Losses incurred by natural calamities such as tsunamis, super typhoons and earthquakes worldwide are simply unimaginable to the people of Hong Kong.

I hold that this incident is more of a human disaster than a natural calamity. Why? As some colleagues have just said, government departments in charge of enforcement actions should be held responsible; the hawker stall operators should be held responsible; the property owners of buildings should be held responsible, and even the partitioning and design of "sub-divided units" should also be held responsible. All these human disasters have created the outcome today. However, what has happened has happened, what is the use of pursuing after the responsibility? This is an unfortunate incident. Given that the Government is in charge of all enforcement actions, the greatest responsibility ultimately lies with the Government.

I understand that Secretaries of Departments and Directors of Bureaux are subject to never-ending and immense pressure. Nevertheless, given the positions that they have taken up, they should have a sense of mission and responsibility, rather than just adopting a simple mentality of "getting the job done".

President, unless we can prove that the incident has involved any criminal acts, finding out who should take responsibility is simply not conducive to the matter. I firmly believe that the government departments concerned will find a way to tackle the problem.

I will only share my views on the reparations of the incident. Given that the incident has already happened, the government departments concerned should at least strive to provide the deceased and the injured with the basic assistance in different respects.

President, we understand that the Hong Kong society generally lacks resources, but as long as we bring our ability into full play and turn Hong Kong into the second hometown of all Chinese worldwide, we can create a success story for Hong Kong; and indeed we have witnessed such success. Helplessly however, Hong Kong has only attained success in property prices. In fact, high property price is a major hindrance to the local commercial and industrial sectors, as well as to resources and assets; high property price itself is a strangling force.

President, in retrospect, has the Government really done nothing? No. In fact, we all know whether the Government has a heart, a plan and a sense of devotion in doing its job. The Kowloon Walled City is such an example. In

the past, the Kowloon Walled City was a place of "no control by all three parties", so to speak. Yet, has it not become a desirable place to live in now?

The case of Wong Wai Tsak Tong in Cheung Chau is a tricky problem left behind by history. However, it was settled with the efforts of the Legislative Council and relevant government departments. President, we have also witnessed that the matter concerning on-street food stalls and the problem of Tiu Keng Leng have been settled with the efforts of different parties.

President, bedspace apartments, "sub-divided units" and other such accommodations are indeed the disgrace of Hong Kong, which are not created by people, but rather, they are historical problems left behind by society. However, given the historical nature of the problems, we naturally would try our best to tackle them. We understand that the Government cannot sweepingly stamp out "sub-divided units", but it should carry out stringent monitoring. We should not discriminate the living environment of the occupants living in "sub-divided units", nor should we discriminate or look down on them. Contrarily, we should devote resources on helping them because losses incurred by mistakes, accidents or even natural calamities are irrevocable, particularly the loss of lives.

President, it is unfair and unjust to thrust the responsibility to any parties in the wake of an incident. As a responsible government, it must bravely accept any challenges.

**MS CYD HO** (in Cantonese): President, the fire at Fa Yuen Street has in fact highlighted the problem of urban poverty in Hong Kong. The deceased, the injured occupants and the hawker stall operators are all victims of urban poverty of Hong Kong. We can see that in this place of great disparity between the rich and the poor, the protection accorded to the lives of the poor is very limited.

On the casualty list of the fire incident, we have an ethnic minority singleton and a senior employee of a catering corporation. The problem of abominable and dangerous living environment which stems from the poverty problem in Hong Kong affects many people and it is the outcome of the high land price policy.

Hawker stalls are not a very interesting social condition and custom for tourists, but rather, they come into existence because there are actual needs in society. While operators of hawker stalls need to run a business to make a living, people are delighted to visit hawker stalls, which is a mode of operation run at low cost to meet the shopping needs of people for low-priced products.

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

People of the lower echelon, apart from working, also wish to shop around or enjoy low-priced entertainment at their leisure time and hawker stalls precisely meet their needs. The shopping environment of hawker stalls and open-air bazaars is definitely more dangerous than that of the shopping mall at Landmark or those in Tsim Sha Tsui. This is the outcome of wealth gap.

First of all, I wish to talk about the problem of "sub-divided units". Despite the fact that "sub-divided units" are dangerous, stamping out these units cannot bring dangerous living environment under permanent control. "Sub-divided unit" occupants are willing to live in these units fundamentally because they lack the means not to. High rents and low income have left them incapable of renting a safer place to live in. Another reason is related to the responsibility of the Government. As it fails to provide sufficient public rental housing (PRH) for the public, people in poverty cannot move into PRH flats earlier.

One of the fire victims is a singleton of ethnic minority. This has many implications. First, singleton applicants are put under a separate queue for PRH and their waiting time is much longer; second, that ethnic minority (I do not know whether he is a permanent resident) has also contributed his efforts as a cheap labour in this city, but why was his safety not protected?

Hence, the most effective way of addressing the problem of "sub-divided units" is to increase expeditiously the supply of PRH flats and relax the application criteria, thereby enabling people to move out of the dangerous living environment at an early date.

Next, I will talk about street management. Seeing hawkers on the street is indeed a sign indicating that the Government upholds the principle of a free market because people can easily become hawkers, and they can constantly respond to consumers' demand and immediately change their goods for sale with flexibility. Moreover, given that hawkers are not subject to rent increase by consortium property owners, their operating cost will not be increased. Being a hawker is thus an easy way to make a living and is able to meet the demand of the grassroots with insufficient means for low-priced goods.

However, the operation of hawker stalls and open-air bazaars also involves danger. They do not have an attractive shopping environment with higher safety standard as compared with those centrally planned by corporate enterprises. Under such a circumstance, it is necessary for the Government to step in, not for punishment and replacement of these modes of operation, but for effective facilitation of their operation. Using the Government's words, it has to enhance the livelihood and shopping safety of the grassroots and the poor, apart from doing the same for large estate owners.

Hence, in managing hawker stalls, the authorities have to, apart from laying down specific regulations coupled with strict enforcement, provide hawker stall operators with safe central supply of water and electricity as well as hygienic and smooth sewage discharge facilities. The Government is capable of providing all these facilities, but it often thinks that by taking the initiative to take all these actions, more people would be encouraged to become unlicensed hawkers, and it will be all the more difficult to stop them.

In response to the Government's explanation, we hold that the Government must adopt a new mentality and act as a safety facilitator, so as to provide a safer environment for people in poverty in Hong Kong. It should not use regulation to achieve prohibition because poverty is something which you cannot regulate or prohibit, but rather, it is an outcome of bad governance.

**MR PAUL TSE** (in Cantonese): Deputy President, as this is my first time to speak on this subject, I would like to extend my sympathy to the families of the deceased victims.

Deputy President, colleagues who spoke yesterday or today have provided many options to tackle this subject, and I echo with many of them. However, due to the limited time available, I will only add a few more ideas.

Mr CHIM Pui-chung has just provided an apt interpretation of natural calamities and human disasters. On 13 August last year, a disaster happened in the Philippines which claimed eight lives and left seven injured. Many people were very concerned about that incident and put forth many counter-measures, including immediate issuance of a black travel alert. However, all along I have reservation about the arrangement.

In the event of a natural calamity or a human disaster, we normally have a knee-jerk reaction; that is, we would pursue with who is responsible or swarm to discuss the problem. However, as Members have just said, I am afraid that this problem is not that simple. I do not think that it can be tackled in a short time, nor can it be solved by condemning the Government roundly for not showing any regrets, as certain colleagues just did. On the contrary, we should, as Mr CHIM Pui-chung has said, take advantage of the present mechanism and social pressure to tackle this problem with great determination.

Incidentally, I wish to express my reservation about Ms Cyd HO's remark just now that hawker stalls may not be good sightseeing spots to attract tourists. In fact, street bazaars are very popular and can attract a lot of tourists. Hence, in handling this problem, we must try to look at it from different angles. While it is crucial to ensure the safety of residents in the district, it is also vital to look after the livelihood of small business operators. In this regard, attention should be given to short, medium and long-term arrangements. Regarding short-term arrangements, I concur with many views expressed by Prof Patrick LAU just now. For instance, immediate efforts should be made to strengthen fire precaution awareness, emergency treatment, or even the fire equipments when necessary.

Besides, I concur with the mentality on spending money as expounded by Mr LEE Wing-tat just now. It is because whenever we ask the Government to spend money to address certain problems, the Government will often said that these problems should be dealt with by small business operators, and in order to uphold the so-called free market economy, the Government should not accede to such demand. However, I am afraid that the issue in question is not just a

commercial issue, it also involves the overall administration. I thus believe that colleagues of this Council and most members of the public would agree that we should suitably use public money to tackle this problem.

In the long run, whether it is about the housing policy, the poverty problem, or the examples of the Kowloon Walled City and the Wong Wai Tsak Tong which Mr CHIM Pui-chung has mentioned, I cannot agree more that we must have the determination to tackle these problems. At the opportune moment, we have to support the determination of the Government, rather than just reprimand it.

Due to the limited time available, I wish to say a few words on another problem that I am greatly concerned about, that is, the comments that this is an accident which is destined to happen. This comment does not only apply to this incident, or the few disasters that happened in the past, but also apply to the so-called shadow guesthouses. Fortunately, this incident did not involve any shadow guesthouses and the casualties did not involve any tourists. However, the problem of shadow guesthouse is very serious. While these guesthouses are often conveniently located, the living environment is very undesirable and congested. I hope that my words would not turn into reality. Yet, should a disaster involving shadow guesthouses happen in the future, causing death or injury of tourists, it will certainly become a piece of infamous international news.

In this connection, I raised an oral question on 12 May on the number of prosecutions instituted and how inspection actions were conducted. It seems that a complaint-oriented approach was still adopted. Secretary Carrie LAM said yesterday that from now on, the authorities would address this issue from a risk-based perspective, apart from just handling the complaints in this regard. I must commend her for that. Similarly, regarding the inspection of shadow guesthouses, I hope that the authorities will not only take actions when complaints are received, but will also handle the issue from a risk-based perspective, so as to prevent more disasters from happening.

Deputy President, allow me to spend a little time on fire precaution because the incident has reflected that public awareness on fire precaution is inadequate. In the event of a disaster, minimizing casualties is of paramount importance. In this connection, I hope that in addition to expeditiously provide suitable fire safety facilities, the authorities can be more "generous" and make extra efforts to

step up publicity and education or even provide more equipments. By so doing, even if all the problems cannot be tackled immediately (including "sub-divided units" and hawker stalls), it is hoped that casualties can be minimized in case of a disaster; and inspection is certainly an important factor.

Thank you, Deputy President.

**MR KAM NAI-WAI** (in Cantonese): Deputy President, first, I would like to express my deepest sympathy and condolences to the deceased and injured in this tragedy.

Today my speech mainly concerns management problems of hawker stalls. As we all know, there are some 3 000 stalls similar to those at Fa Yuen Street in Hong Kong. As a conservative estimate, including operators and their assistants, the number of people engaged in this trade is almost 6 000 to 7 000, possibly supporting the livelihood of more than 10 000 families. Hawking in the street, these grass-roots people have to bear the scorching sun and lashing rain. If you have paid a site visit, you will know that they work really hard. It is a tough job, especially in summer when you can see that every bit of their business is really done with toil and sweat.

Of course, the fact that these stall operators have made painstaking efforts in doing business does not mean we should allow them to breach the law or licence regulations without taking any law-enforcement action. A number of Honourable colleagues have criticized the Government's law-enforcement work in this regard. Many problems, including subletting of stalls and borrowing of licences, unlimited expansion of stalls by operators and accumulation of inflammable materials at the stalls, have not been handled by the Government in the past. You could just take a look. I am more familiar with Kam Wa Street, Jardine's Bazaar, Spring Garden Lane, Li Yuen Street East and Li Yuen Street West. I often go to these places on Hong Kong Island. If you go to these streets, you will see all these problems exist, but the Government has turned a blind eye to them.

What I want to say is, I have been striving to keep such street culture and open-air bazaars with special characteristics. We are absolutely not trying to drive out all of them as mentioned by Ms Miriam LAU just now. I do not think that is Hong Kong people's request. Hong Kong people also wish to have

hawker stalls in the street. Actually several issues are involved here. Take, for example, Li Yuen Street East and Li Yuen Street West. We have visited the shops on the two sides of the street. The shop owners do not wish to have all the stalls removed either. Otherwise the place will lose its special characteristics and the shops on the two sides will be unable to continue to do business. What Hong Kong people hope and expect is that the Administration will continue to facilitate the grassroots to make a living and the general public to shop there while exercising regulatory control. Such places may also be attractions which tourists are interested to visit.

Hence, regarding the suggestions which many Honourable colleagues have put forward today, ranging from requiring the hawker stalls to be set up only during the day and cleared at night, no overnight storage of goods at the stalls, to the demerit point system, I hope the Secretary can implement them expeditiously and stop procrastinating because the problem has already reached ..... Maybe this time it is only a triggering point which makes us notice the problem and enables the Government to direct more efforts to deal with this issue properly. We understand that in the past, public opinions might be more supportive of the grassroots, and stringent enforcement by the Government might lead to criticisms of the press and the public. I hope this unfortunate incident will facilitate the Government to turn adversity into opportunities to improve the management work of on-street hawker stalls.

I have put forward some new ideas before. Take Graham Street in Central as an example. There will be storehouses at the place redeveloped by the Urban Renewal Authority for stall operators at Graham Street to store their goods in the future. May I ask, why not set up storehouses under the flyover near Fa Yuen Street for stall operators to keep their goods? The Government should assist these hawkers so that they can continue to operate their business. However, after the provision of assistance, stringent enforcement is necessary. Guaranteeing the safety of upstairs residents is also a must. I do not find any conflict between the two. The Government cannot stick to the old ways which allows hawkers to do hawking freely. I often suggest that the Government should help them set up their stalls with standard materials provided by the Government. Why is that not feasible? I cannot get it at all. I hope the Government can have a new mentality.

Thank you, Deputy President.

**MR LEE CHEUK-YAN** (in Cantonese): Deputy President, every time our society will only make some reflections after a tragedy has happened. Yet regrettably, the reflections made quite superficial, and so are those made by government officials. From what officials said yesterday, the only message I got was the shirking of responsibilities, and no reflection was made. The officials were only good at finger pointing. Whatever happened, they immediately pointed their fingers at stall owners without the slightest mention of their own responsibility, trying as far as possible to shirk it to someone else. Their solutions were also merely superficial efforts. They gave first-class performance in making superficial efforts, but "sub-standard" performance in resolving conflicts. That was how the accountability officials performed under the current accountability system.

Perhaps the Chief Secretary will say again that Legislative Council Members will do nothing but reproach government officials. However, that is not the case. Many problems have been raised by us a number of times, but the answer we receive is always the same. We have discussed the problem of "sub-divided units" more than once in this Council, and this is not the first time we have talked about the pain of many poor people in Hong Kong who cannot be allocated with public housing units and are forced to live in "sub-divided units". Yet the answer we got after each discussion was like a message from a tape recorder. In these several years we were always given the same answer, which is what Eva CHENG has said, "The average waiting time for allocation of public rental housing (PRH) units is 2.2 years, and our target is to maintain the average waiting time for allocation of PRH units at three years. At present, 15 000 PRH units will be constructed every year. This is not a fixed target. If we fail to maintain the average waiting time for allocation of PRH units at three years, we will conduct a review." Every time she would repeat that. How many times has she said that?

However, how come they did not examine or reflect in depth the reasons why so many people live in "sub-divided units" in Hong Kong? In the past they lived in squatter huts, then in "caged homes", followed by cubicle apartments, and later, there came "sub-divided units". Are Hong Kong people under an eternal curse which disallows the poor to live in dignity — we are absolutely not asking for a luxury flat — in a flat with more space? That is a very modest request. Why are they unable to attain it? Has the Government examined the reasons why people are living in "sub-divided units"?

I believe the Government will certainly point out that a PRH system is in place to deal with the problem. However, the present PRH system fails to solve the problem. The whole PRH waiting list system fails to resolve this deep-rooted conflict. Do people really like to live in "sub-divided units"? If government officials think that those people enjoy living in "sub-divided units", maybe Chief Secretary Stephen LAM could try living in a "sub-divided unit" himself. How about partitioning his house into a number of rooms? Living in a luxury flat himself, Chief Secretary Stephen LAM said, "For those who live in 'sub-divided units', there is no way out, just wait for public housing allocation." Why do those people have to live in "sub-divided units"?

Some of them are singletons, they have to live in "sub-divided units" because they are not allocated with any PRH unit even after a wait for some 10 years. I believe you all know there is a special waiting list which exclusively applies to singletons, on which 66 000 people are waiting. Young singletons are being discriminated against as well. Under the points system, I wonder how many years they will have to wait. Those are problems yet to be solved. There are also people who came to Hong Kong with their children with a "two-way permit". In cases where a mother came with two children with a "two-way permit", they are unable to live in PRH units. If they do not live in a "sub-divided unit", where else can they live? The Government needs to address this problem, does it not? Such problems are never resolved.

Some people are waiting for PRH. The Government said the waiting time was 2.2 years, but actually their waiting time will not be 2.2 years. They may have to wait for three or four years. Concerning these people, the Government should solve their problems, should it not? Is the Government going to resolve the problem of property hegemony? Will it implement rental control so that property owners will not raise the rent relentlessly? The Government has not handled these problems at all. Hence, Deputy President, lastly, I think the Legislative Council should set up a subcommittee. I will propose that the House Committee should set up a subcommittee to study (*The buzzer sounded*) .....

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

**MR LEE CHEUK-YAN** (in Cantonese): ..... all problems subsequent to this fire. Thank you, Deputy President.

**MR LAU KONG-WAH** (in Cantonese): Deputy President, when a tragedy happens, reproaches or criticisms may not be the most effective solution. Yesterday we happened to have a debate on reforming governance philosophy. I believe how to manage these 40 streets is the best illustration on whether there can be a reformed governance philosophy. This fire is not simply a fire, as there are many complicated issues behind. This street is not just one street either. There are many similar streets in Hong Kong. So it is a question of management. In the past we have adopted the approach of self-discipline which is not sustainable. If the introduction of legislation and punishment did not produce any effect, and consequently, tragedies took place one after another, we must have some new ways of thinking.

To solve a problem, the way the problem is perceived is most vital. If we still perceive this issue from the concept of hawker stalls, maybe we will still resort to arrest, detain, sanction and prohibit. Of course such enforcement measures will have to continue. However, as we have done that before and still fail to achieve the purpose, there must be a reason after all. If we think outside the framework of the so-called hawker permitted areas and look at this issue from a wider perspective, we may have a different view. If we treat it as a street in Hong Kong with special characteristics, our view will be totally different. "Women's Street" (Tung Choi Street), Temple Street, Apliu Street and even Lan Kwai Fong in Hong Kong are also streets which are actually well-known around the world. Not only do Hong Kong people like to frequent them. Foreign visitors also flock to them very often. Why do we look at this issue merely from the angle of hawking and not from the angle of an area with special characteristics? If we view these streets from such a perspective, shall we look at the issue from the angle of support and conservation? If we look at this issue from this angle, there can be a lot of varieties. We have friends who have been doing business at these stalls for decades. They are low-skilled fellows, but they are unwilling to apply for the Comprehensive Social Security Assistance. Even though Hong Kong is a financial centre, how can they work in the offices in IFC? They can only do street hawking in "Women's Street", yet they toil hard to make a living. In this respect, we need to take care of them.

Besides, we said we need to assist the six industries where we enjoy clear advantages as well as the emerging industries. Yet the stalls in these several streets indeed belong to traditional industries which are well-loved by tourists and members of the public. As we can see, now many large shopping malls are occupied by famous brands, but actually members of the public are not happy with that. They prefer to visit and shop at these stalls. If the Government can support the emerging industries, can it consider the traditional industries from this angle and break free from its previous mindset? If the issues of fire prevention, fireproof materials, closed-circuit television and individual electricity meters are viewed from this angle, with the Government taking the lead, I think they can be completely settled. Of course there will be a lot of disputes during the process. Concerning how to settle the problem of the local residents with hawker stalls, the District Councils can serve as the lubricant. In my opinion, the Government should take the opportunity to drive ahead. The Government can take the lead while the Legislative Council, the District Councils and the stakeholders can provide assistance. This is a cross-district project to gain the people's heart. If the work is satisfactory, it will be commended by members of the public. Problems which remain unsettled for decades can be resolved in this direction. I hope the Secretary will lead the discussion on this subject and carry out a conceptual reform. Thank you, Deputy President.

**DR RAYMOND HO** (in Cantonese): Deputy President, the tragic blaze which broke out at Fa Yuen Street in Mong Kok on the 30th last month resulted in nine deaths and many people getting injured. Such a tragedy was a man-made calamity, not a natural disaster. A fire broke out at the same location last year, but the Government, having no vigilance against such danger, did not make any serious improvement. For this reason, the relevant authorities can be regarded as inexcusable.

According to the news report in *Ming Pao* yesterday, officials of the Fire Services Department (FSD) revealed in the meeting of Yau Tsim Mong District Fire Safety Committee that from 2007 to 2009, Fire Hazard Abatement Notice had been issued with regard to the four old buildings at Fa Yuen Street affected by this fire. However, the department did not mention whether any prosecution has been instigated in the past two years since the notice was issued. If the report is true, how the FSD has handled the matter reflects that the Government does not pay much attention to potential danger which may pose a threat to

people's lives and property. Very often, it is not until a tragedy has occurred that the Government will seem to wake up and handle the matter according to its usual practice of "treating the head when the head aches and treating the foot when the foot hurts". However, when the relevant incident is no longer the media's focus, the Government will once again go back to its original mode of operation.

In this tragedy, apart from the management of hawker stalls at Fa Yuen Street, "sub-divided units" in the buildings on the two sides of the stalls were also the reason for the heavy casualties in the fire. The problem of "sub-divided units" has already aroused wide public concerns in some serious fires which took place earlier and also the collapse of a building on Ma Tau Wai Road which happened in January 2010. "Sub-divided units" will not only bring an underlying threat to the structural safety of buildings but also pose fire hazards, as well as problems with residents' escape should a fire break out. In the past few years, owing to the continuous increase in Hong Kong's property price, people with low income can only stay in "sub-divided units". In view of the market, the number of "sub-divided units" keeps rising, thereby causing all sorts of problems which should be seriously tackled by the Government. However, in the past few years, tragedies involving "sub-divided units" occurred one after another, and the Government is still at a loss about what to do. So I strongly support Mrs Carrie LAM, Secretary for Development, to adopt a hard-line policy on this issue.

On the other hand, the management problem of hawker stalls has existed for a long time. For example, some hawker stalls did not comply with the relevant requirements and used combustible materials to build the top, while sub-divided stalls have made hawker stalls more crowded. All these will increase the risk of fire. I believe the authorities concerned should be aware of the problem, but they did not take any follow-up action. Apart from posing fire hazards, hawker stalls will also affect residents in the vicinity and the nearby environment in different ways. The Government should have conducted serious follow-up, reviews and improvements regarding the management problem of hawker stalls long ago. It absolutely should not have waited until such a big tragedy happened before it would make any response.

Deputy President, every time when the government officials were faced with losses of lives, they would express deep sorrow. However, after the expression of sorrow, their working attitude would remain the same. It is only by changing its practice of muddling along in a rut that the Government will be

able to prevent tragedies like the one in Fa Yuen Street from happening again. I so submit. Thank you, Deputy President.

**MR ALBERT CHAN** (in Cantonese): Deputy President, this accident can be deemed as a foreseeable tragedy. It caused nine deaths and 34 people injured, but still no government officials need to take the blame and resign. It is merely a continuation of the tradition under which there will only be promotion and rise in fortune without any government officials having to take any responsibility and resign, as well as any new political climate.

Regarding the Government's present governance, ordinary people can only seek blessings on their own. The system for senior officials in the rank of Secretary of Department and Director of Bureau, under which they defend, shield and aid one another, can be regarded as both a big joke and a tragedy.

Deputy President, looking back at the problem of "sub-divided units", we have already discussed and conveyed our views in a number of meetings before. Enhancement of monitoring work, increase public housing production, resumption of the Home Ownership Scheme and improvement in the grassroots' living conditions can help to solve the problem. However, concerning the problems of stall operators at Fa Yuen Street, Deputy President, I hope the Government can really seek a thorough solution.

Actually in the question session yesterday, I also mentioned the local hawker market jointly redeveloped by Tsuen Wan District Council and the Food and Environmental Hygiene Department (FEHD). That is a good example. A total of \$21 million was spent on the redevelopment of the whole market. The redevelopment project included the construction of a big cover, addition of fire prevention and ventilation facilities as well as a public lighting system, renovation for stall operators, re-installation of rolling shutters, concreting the floor and installing power sources in compliance with the safety standards. All the expenses were paid by the Government and the District Council.

In fact, regarding the development of Fa Yuen Street in this respect and the redevelopment of many similar projects in the urban area, the former Land Development Corporation (LDC) and the Urban Renewal Authority (URA) have used billions of dollars to carry out projects on various fronts. Hence, I hope that Secretary Carrie LAM will consider having discussions with the URA on

redeveloping the relevant facilities and projects of Fa Yuen Street and "Women's Street" (Tung Choi Street). For instance, "Bird Street" (Hong Lok Street) was also redeveloped at the times of the LDC before. With regard to the Mong Kok revitalization project, it is planned to use hundreds of millions of dollars to conduct improvement works on various fronts. The URA has proposed to adopt themed plans that feature cheerful scenes of birds and flowers, ideal fish environments, leisurely shopping and the sports world in the Mong Kok revitalization project, covering places such as "Sports Shoe Street" (Sai Yee Street and Fa Yuen Street), "Women's Street", "Electrical Appliances Street" (Sai Yeung Choi Street), and Nelson Street. Actually the redevelopment or development of these hawker stalls can be included in the URA's overall purview. As far as the URA is concerned, that will require the spending of only a small sum of money. However, in this regard, concerted efforts must be made by the FEHD and the relevant parties with the traders.

Actually under the past government policies in the days of the Urban Council — Deputy President, I think you also know it very well — whenever there were on-street hawker stalls, there would certainly be a reprovisioning plan, no matter whether it was about the development of a market or other aspects. "Bird Street" was relocated in such circumstances too. Many stall operators in the markets, such as Yeung Uk Road Market, were relocated from hawker stalls in the street. However, in the past decade or so, no more reprovisioning plan was implemented, thus causing the project of "Women's Street" to remain in the same status over the past years. No government officials have such a vision, boldness and view to improve the environment, since they do not want to take the trouble. Government officials are like that. Better not do anything. So they do nothing and continue to get promotion and rise in fortune.

Hence, I hope Secretary Carrie LAM — she still has a few months left in her term of office. I do not know if she will become a Secretary of Department in the next term. I hope this project can undergo comprehensive improvement. Under the existing policy, the URA is in the best position to do the co-ordination, because if the FEHD is in charge, it will remain unimplemented for a long time in view of the rigid bureaucracy of the department.

I hope the stall operators concerned will not become victims and targets of blame because of this fire. They are just ordinary people. Do not ever suppress them. What is more, we need to do them justice.

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

**MR WONG YUK-MAN** (in Cantonese): Deputy President, faced with these accountable Directors of Bureaux in the Legislative Council, we have learnt one thing. I remember that a friend of mine has written a book called 《高官廢話寶鑑》 (a collection of nonsense talk of senior officials). If you have the chance, you may take a look. Here, a lot of Directors of Bureaux and Secretaries of Departments also like to talk nonsense, including, "No one wishes to see such a disaster happen", or "We did not want that to happen too". Every time something goes wrong, their attitude is that they do not want that to happen. No one wishes to see such things happen. However, very often they would only shift the blame onto someone else and shirk the responsibility to one another, mentioning only their own terms of reference. Like what I said here yesterday, they do not have the slightest regret for their inadequacy. Nor do they have the slightest sense of shame. Being accountable Directors of Bureaux whose monthly salaries are as high as several hundred thousand dollars, which are paid by taxpayers, they cannot just sit here, listening to this adjournment debate in puzzlement and hearing our bombardment helplessly. They do not have the slightest sense of shame; nor do they have the slightest regret for their inadequacy.

Today some Members said that life matters. "We did not want that to happen", that is their attitude. However, such tragedies could have been avoided in the first place. "Sub-divided units" have nothing to do with the Food and Environmental Hygiene Department (FEHD). Hawker stalls have nothing to do with the Development Bureau. Building management has nothing to do with the Development Bureau as well. It is under the purview of the Home Affairs Department. Fire prevention is under the purview of the Security Bureau. So it has nothing to do with the FEHD. Hence, only one Chief Secretary is here to give a general reply. Let us look at the reply given by him yesterday. Again, it was all nonsense, just uttering words like "mothers are women". He mentioned common sense. Yet we request government officials to work with knowledge and experience rather than relying on common sense and normal practice. Nine people died and more than 30 people got injured, but he merely talked about taking remedial actions.

Now, fire victims have been arranged to stay in the Shek Lei interim housing. They originally had a cosy home at Fa Yuen Street, but now they have to move to the Shek Lei interim housing where the environment is extremely poor. I wonder if the three Directors of Bureaux and the Secretary of Department have ever visited the Shek Lei interim housing. I have visited it before and found the environment there extremely poor. Those who managed to survive, need not be hospitalized and fortunately escaped from death have to move into the interim housing. Do you know how terrible the environment there is? Did anyone tell them how long they have to stay there? The initial response was even more ridiculous, shifting the blame onto the hawker stalls. The Director of Food and Environmental Hygiene stood out in the first instance and said that in the past, they had issued such and such numbers of penalty tickets. What a shameful statement. He claimed about how many penalty tickets had been issued and how many inspections had been conducted, implying that he had already paid much attention to the obstruction of exits of buildings by these hawker stalls, which would lead to such serious consequences in the event of fire. Such a statement aimed to shirk responsibility. Carrie LAM was better, but her reply also tried to shift the blame onto someone else.

Sometimes, seeing this bunch of people, I really feel helpless, yet I can do nothing because the Legislative Council is dominated by the pro-establishment camp. Yesterday I mentioned that mediocre officials dominated the scene, political scoundrels abounded, the Council is rubbish which both God and man find disgusting. I have actually expressed what I feel. This Council is exactly like that. Do you really think sending one Secretary of Department and three Directors of Bureaux to attend the meeting means giving high regard to this matter? Is that the case? Have the problems been solved? Are there any prevention measures in place? What happened in December last year still rings in my ear. At that time I visited the hawker stalls in the district. A stall operator asked, "Yuk-man, when can we do business again?" I replied, "Are you asking me? No kidding." Unexpectedly, history repeats itself this year. A few days ago I went to the same old place, and the stall operators asked me the same question. They have to make a living. You might as well clear them all out, but the Secretary does not have the guts to do so.

The present situation is that we are just making empty talk. As for whether the matter will be handled later, we have no way to follow it up fully. Hence, we can talk as though we are invincible. Apart from family members of

the deceased, victims in the incident also include the afflicted people who are temporarily staying in the interim housing, waiting for the allocation of public housing. Another question is whether such a tragedy will take place again. No one knows. Nevertheless, you all hold onto your positions in complacency, each one rendering his own excuse, claiming that such and such fire prevention measures have been adopted, the FEHD has carried out this and that kind of work, and "sub-divided units" will be handled according to the Buildings Ordinance. The Buildings Ordinance? Carrie LAM, do not make any rash promise. If someone raises objection, what will you do?*(The buzzer sounded)*

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

**MR WONG YUK-MAN** (in Cantonese): As a result, regarding this adjournment debate, we actually have no choice. We can only say these words, as we have only a few minutes. Right? They should make some reflection themselves.

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

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy President, I also found it rather ridiculous. Now the Chief Secretary is present at the Chamber, what are his official duties? He has spent so much time on the introduction of a replacement mechanism. The question is very simple. Who wants to be bald if he has hair? Who wishes to stay in "sub-divided units" if he can live in public housing?

People have to live in "sub-divided units" because of the imbalance in our land policy, which is a consequence of property hegemony. Every time we discuss the issue of property hegemony, Members will be filled with righteous indignation, but we have never passed any resolution which can curb property hegemony.

To raise the land price, the SAR Government needs to push up the property price. The Government's land policy is the cause for property hegemony. It has even passed the management rights of car parks and shopping malls in public housing estates to The Link Management Limited, further exacerbating the problem of property hegemony.

This time nine people who lived in "sub-divided units" died, they were the victims of such a policy. Let me quote an example. Why did the squatter problem have to be settled right away in the past? Squatter huts appeared because the colonial government was unable to solve the housing problem, so it allowed people to build houses on public land. It can be said that such houses, covering large areas here and there, were different from the "sub-divided units" today. Regarding the "sub-divided units" today, property owners are allowed to charge high rental in order to perpetuate the high land price policy. The victims are people living in "sub-divided units", who are different from squatters who occupied Government land to resolve their own housing problem in those days. Thus it was necessary for the colonial government to settle the squatter problem, since squatter huts had occupied a lot of land in the urban area.

Earlier, I have helped to solve the problem of rooftop units in To Kwa Wan. The risks entailed in rooftop units will not be as high as those in "sub-divided units" in any way. Hence, residents in rooftop units have queried, since they have not posed any substantial risk, why do the authorities need to suppress rooftop units in such vigorous and resolute manners, why not resolve the problem of "sub-divided units" instead?

Furthermore, there is the hawking problem. Actually how does the hawking problem come about? That is because our industrial structure is imbalanced, and thus the grassroots have to rely on hawking activities to make a living. Yet the Government has no corresponding measure at all. It simply let them struggle on their own. When something goes wrong, however, it shifts the responsibility onto their shoulders. May I ask the Government, are you incapable of management? If you can act on the pro-establishment camp's proposal to set up the Dragon Market in Wong Tai Sin, and do this and that, how come you are unable to resolve the long-standing hawking problem?

Actually where does the problem lie? I think the Government does not have the confidence, determination and capability to solve this problem. To

safeguard property hegemony, the Government does not dare to settle this problem. For the Legislative Council, it is very simple. So long as the Government is unwilling to make a comprehensive investigation report and we let it get away again, everything said today will be mere empty talk. Chief Secretary, please urge your subordinates to conduct a comprehensive investigation expeditiously. Dear Members of the pro-establishment camp, please do not back out later. We must request for a full report.

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

(No member indicated a wish to speak)

**DEPUTY PRESIDENT** (in Cantonese): Members have already spoken. I now call upon the Secretary for Food and Health and the Secretary for Development to reply.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Deputy President, first of all, I would like to take this opportunity to express our heartfelt sympathy to the families of the deceased in the blaze at Fa Yuen Street, Mong Kok on 30 November and wish all the injured a speedy recovery. At present, five victims are still in hospital, and three of them are in critical condition.

(THE PRESIDENT resumed the Chair)

Since the fire at Fa Yuen Street last year, the Food and Environmental Hygiene Department (FEHD), in conjunction with the Fire Services Department (FSD), the Electrical and Mechanical Services Department and the hawker associations concerned, have implemented a series of measure to enhance the fire safety of hawker stalls in Fa Yuen Street. At the same time, the FEHD has reinforced its inspection and law-enforcement work. In the past year, over 600 persecutions had been initiated against non-compliance hawkers for street obstruction. Regarding complaints against storing goods outside hawker stalls, 200-odd letters were issued on 11 November to require stall operators to remove

articles causing obstruction and warn them of the enforcement action to be taken according to the Hawker Regulation otherwise. Since the Number 4 alarm fire broke out at Fa Yuen Street last week, the FSD and the FEHD has conducted inspections in areas where residential buildings are found near closely packed hawker stalls. In light of this recent fire incident, the FSD, the FEHD and other departments concerned are now reviewing the fire safety measures for hawker stalls and considering ways to further enhance their fire safety.

The FEHD and other departments concerned had made considerable effort in the past year, yet the recent fire incident indicates that the relevant measures are inadequate. We consider it essential to step up the management measures to further lower the risk of fire.

First, the FEHD has to step up the inspection of hawker stall districts and immediately strengthen the enforcement regarding non-compliances. I am glad to hear today that many Members have required strict enforcement on our part. We notice that a small number of stall operators blatantly violate the regulation despite receiving summons repeatedly, and we thus consider it insufficient to rely on the self-discipline of traders alone. To ensure public safety effectively and the compliance of various requirements by stall operators, the penalty imposed must have sound deterrent effect. In order to enhance public safety, we will actively consider various improvement options to improve the management of hawker stalls. These options include introducing the arrangements of "setting up stalls only during trading hours" or "removing the commodities without dismantling the stalls at night", a mechanism for cancellation of hawker licences and realigning or relocating the hawker stalls, and so on. The concept of setting up "Features Streets in Hong Kong" proposed by Mr LAU Kong-wah earlier is also one of the options we will consider. We will examine the pros and cons of various options carefully, and then consult the relevant Panels of the Legislative Council, District Councils and the hawker associations concerned about the specific proposals as soon as possible.

Moreover, we will step up our effort in combating suspected subletting of hawker stalls. Subletting of hawker stalls is not only illegal; worse still, it will worsen the problem of unauthorized extension of operation area, increasing the risk of fire.

I notice that when officers of the FEHD enforce the law in Fa Yuen Street recently, they are met with resistance from some stall operators. I urge stall operators to stay calm and comply with the requirements for hawking. I hope they understand that the Government is obliged to enforce the law strictly to ensure public safety, which includes the safety of stall operators. This is the aspiration and request of all the people of Hong Kong.

In the past, members in society, including some activists in districts, Members of District Councils and Members of the Legislative Council, inclined to sympathize with the situation of hawkers and stall operators, considering that they were grassroots and the Government should be more flexible in handling the issue and enforcing laws on hawkers. We certainly agree that the hawker trade has provided employment opportunities to many grassroots, which has also offered value-for-money goods to the general public, including many tourists. However, after the fire incident at Fa Yuen Street this time, I think Members will agree that public safety, particularly the personal safety and household safety of residents living in the vicinity of hawker stalls, should be accorded the highest priority in future. In examining and formulating the various approaches, the Government will endeavour to strike a balance between lowering the risk of fire and taking care of the operation of hawker stalls.

Thank you, President.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, first of all, I share with Members the grave sorrow and distress about the fire tragedy at Fa Yuen Street in Mong Kok. I am particularly upset to have to participate in this adjournment debate. On 3 and 4 February last year, the Legislative Council also held an adjournment debate on the building collapse incident at Ma Tau Wai Road, which had caused four deaths and two injuries. On the following day, there were reports that I had tears in my eyes when I spoke, because I wished to tell Mr WONG Yuk-man and Mr Albert CHAN that all accountability officials present at the meeting were human beings. We also felt what people felt about those tragedies having an impact on members of the public. Unlike what Mr LEE Wing-tat has said, we would not deal with these incidents causally. On the contrary, after each tragedy, we would liaise with the relevant departments and colleagues to reflect and review, so as to see what can be done to improve the handling of matters affecting public safety. The preparation we did for this

adjournment debate is no exception. I have thoroughly examined the debates held in the Legislative Council over the past two years, during which issues like building safety, unauthorized structures and "sub-divided units" have been discussed with Members. In this file are the speeches made by me over the past two years. Hence, I think people should have an answer regarding whether our efforts made in building safety is, as Members have said, "muddling along" or "done casually"; or whether concrete efforts have been made. I strongly believe that justice is in the hearts of the people.

Next, I will respond to Members' views in three respects on behalf of the SAR Government, namely the follow-up work after this incident, improvements measures and fire safety in buildings, as well as enhancement of the quality of building management. Members who have spoken today did not mention much about the support rendered to the victims after the tragedy. In fact, every time in the aftermath of an incident, our inter-departmental contingency mechanism would operate very effectively and timely support will be provided to the affected residents. In this connection, the work of the Home Affairs Department and the Yau Tsim Mong District Office in particular, should be supported and commended by Members. In the past few days, Members might see the fragile District Officer for Yau Tsim Mong appearing frequently on television. She has been working very hard after the incident.

As at this Monday, a total of 119 victims from 59 households have moved to the temporary shelter at Shek Lei Estate. Future housing arrangement would be made in accordance with the existing housing policy. As I have said in response to Mr LEUNG Yiu-chung's suggestion that should priority be given to accommodate the victims, this would prejudice the justice of the existing allocation of public housing resources. Today, I did not hear any Member mention this again because they also understand that this may give rise to many problems. Perhaps this would induce more people to move into those substandard "sub-divided units" in the hope of enjoying priority in the allocation of public housing units.

The fire at Fa Yuen Street has indicated that unswerving efforts must be made in building safety and fire safety, in order to protect people's properties and lives. Although the recent fire was caused by the hawker stalls adjacent to the buildings, as I highlighted out in response to Mr WONG Yuk-man's oral question yesterday, I must admit that the prevalence of "sub-divided units" has increased

the danger of the residents' escape in certain cases when a fire breaks out. Generally speaking, for buildings which originally have double staircases, the rear staircase will be blocked due to the presence of "sub-divided units". Thus, in case of a fire, residents of these "sub-divided units" will have only one means of escape. Although "sub-divided units" are not the culprit of this fire, thorough investigation must be conducted to see if they have added to the casualties.

When Ms Miriam LAU commented on our handling of the "sub-divided units", she has used descriptions such as "refusing to reform", "being passive and responded insensitively" and "bearing unshirkable responsibility". I do not consider these remarks fair enough. In fact, after holding discussions and doing preparations for one whole year in 2010, the Housing Department has taken large-scale enforcement actions against "sub-divided units" since 1 April 2011. Within seven months between April and October, it has inspected 105 buildings with "sub-divided units". We suspected that 677 flats have "sub-divided units", and it is estimated that they have been divided into some 2 300 "sub-divided units". And yet, we were only able to enter into 60% of these flats (that is 396 flats), and subsequently issue removal orders and take other enforcement actions. Therefore, our efforts are not as "abstract" as Mr LEE Wing-tat has described. They are all concrete examples of enforcement actions. Nonetheless, we did encounter some difficulties in enforcement, which I had spent some time to describe yesterday. In the Legislative Council meeting held yesterday, I tabled a bill called the Buildings Legislation (Amendment) Bill 2011. Among the five amendments proposed, the most important one, or perhaps the most controversial one in the future, proposes to enable the Buildings Department to apply to the Court for warrants authorizing entry into premises for investigations. This provision is most important for the enforcement action taken by the Buildings Department. As I have said earlier, we have failed to enter into 40% of the flats with "sub-divided units" over the past seven months despite repeated attempts to approach the relevant residents. Therefore, Mr Ronny TONG can rest assured that I have no intention of frequently exercising the power to break into any flat. I am always aware of the importance of personal privacy and private property rights. Therefore, even though we are now empowered to break into those flats, it is nonetheless not an ideal way to resolve the problem of "sub-divided units". We hope that Members will support the provisions of the Bill tabled yesterday, which would enable the authorities to apply to the Court for warrants authorizing entry into premises for investigation.

As the Chief Executive has pointed out in the Policy Address, "sub-divided units" do meet the housing needs of low-income people not eligible for public housing to a certain extent. I also heard Mr LEE Wing-tat and Mr Frederick FUNG say that it might not be possible to ban "sub-divided units" across the board for the time being. We must therefore do our best to ensure the conversion works of these "sub-divided units" comply with the standard of building safety, and in particular, the fire safety standard. On legislation, apart from introducing warrants issued by the Court, we will also include the type of works commonly involved in "sub-divided units", through the introduction of regulations, into the minor works control system. Similar to indoor catchment engineering, works such as the erection and alteration of solid partition walls and the addition of floor screeding must be carried out by licensed people.

I absolutely agreed with Dr Margaret NG that we should be proactive whenever enforcement action is being taken. This is precisely the reason why we have adopted a four-pronged approach in ensuring building safety in recent years. One measure is to provide support to building owners. Mr LEE Wing-tat mentioned the Operation Building Bright implemented in these couple of years, and I am so glad that he considers this a new approach with a new mindset. Since the scheme is building-based, selected buildings would receive government subsidies to make the necessary improvements, disregarding the level of income of individual owners. As it is impossible for us to tackle the safety problem of old buildings in Hong Kong within a short time, if we have to ensure that the public money spent is value for money by asking owners to pass the means test, the scheme can hardly proceed. Today, we notice that improvements will be made to nearly 3 000 buildings under Operation Building Bright in a couple of years. This is made possible because we think out of the box and adopt a new mindset. Therefore, I will be very pleased to continuously assist the work of the inter-department group led by the Chief Secretary for Administration, and resolve the relevant problems with new mindsets. A number of Members made particular reference to the Urban Renewal Authority (URA) and its role. In fact, the URA has some successful experiences in the redevelopment of open markets in the Graham Street and Tai Yuen Street in Wan Chai. Also, we have worked in conjunction with the URA to carry out some improvement works. I can nonetheless tell Mr KAM that these improvement works have encountered great difficulties. Great efforts have been made to persuade stall owners to accept the new, standardized hawker stalls, which they think might affect their businesses.

Last of all, in respect of fire safety, as the Secretary for Security said yesterday, after the enactment of the Fire Safety (Buildings) Ordinance, the Fire Services Department (FSD) and the Buildings Department have inspected nearly 4 600 composite buildings or residential buildings completed in or before 1987. Fire Safety Directions have been issued to 2 600 buildings, including the few buildings involved in this fire. The relevant buildings have complied with the Fire Safety Directions to improve building safety. I nonetheless wish to point out that, as the Security for Security has said, if we identify buildings with imminent danger in the course of inspection, like the blockage of the fire escape, the FSD would take immediate actions.

Finally, as stated by Mr WONG Kwok-hing, all initiatives will be difficult to implement without good building management. Therefore, the Home Affairs Bureau and the Home Affairs Department will continue to work hard in this regard.

President, I so submit, thank you.

**PRESIDENT** (in Cantonese): As the debate on the motion has exceeded one and a half hours, in accordance with Rule 16(7) of the Rules of Procedure, the Motion for Adjournment shall not be put to vote.

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 14 December 2011.

*Adjourned accordingly at four minutes to Twelve o'clock noon.*