

# OFFICIAL RECORD OF PROCEEDINGS

Monday, 13 May 2013

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

THE HONOURABLE EMILY LAU WAI-HING, 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 TOMMY CHEUNG YU-YAN, S.B.S., J.P.

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

THE HONOURABLE WONG KWOK-HING, M.H.

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

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

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, B.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN

**MEMBERS ABSENT:**

THE HONOURABLE JAMES TO KUN-SUN

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

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE PAUL TANG KWOK-WAI, J.P.  
SECRETARY FOR THE CIVIL SERVICE

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

MS JULIA LEUNG FUNG-YEE, S.B.S., J.P.  
UNDER SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

**CLERKS IN ATTENDANCE:**

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**BILLS****Committee Stage**

**CHAIRMAN** (in Cantonese): Good morning everyone. Committee will continue to examine the Appropriation Bill 2013 (the Bill).

**(Originally scheduled to be dealt with at the last Council meeting)**

**APPROPRIATION BILL 2013**

**CHAIRMAN** (in Cantonese): Members, I discussed with you on how to deal with and examine the various amendments of the Bill 10 days ago, and listened to your views. After the development in these past 10 days, it is now time I discussed with you again and listen to any suggestions from Members on how to deal with the outstanding procedures of the Bill, and I will then have to make a decision. I have asked the Secretariat to not only prepare breakfast in the Dining Hall this morning, but also arrange for the placement of some chairs so that all Members can sit down for discussion with ease.

I now suspend the meeting. Will Members please proceed to the Dining Hall.

9.03 am

Meeting suspended.

11.34 am

Committee then resumed.

**CHAIRMAN** (in Cantonese): Committee now resumes.

Members, since this Council entered the Committee stage on 24 April, the Committee has hitherto already spent 55 hours debating the amendments. However, out of a total of 148 debates, only 17 have been completed.

According to this pace of examination, all the procedures related to the Bill can only be finished beyond mid-June.

As stipulated in Article 73(2) of the Basic Law, the Legislative Council shall exercise the power and function to examine and approve budgets. According to the information from the Administration, the provisional appropriation approved earlier by this Council may cope with approximately two months' government recurrent expenditure. For the purpose of providing the public funding required to maintain the operation of the Government, I consider that it is the responsibility of the Legislative Council to complete examining and voting on the Bill within a reasonable period of time in order to discharge its powers and functions as stipulated in Article 73(2) of the Basic Law. In my capacity as President of the Legislative Council, I also have the constitutional function to preside over meetings in accordance with Article 72(1) of the Basic Law. I shall exercise appropriate powers, which include to ensure that the meetings are conducted in an orderly, peaceful and proper manner, and to end the debate at an appropriate time and put the motion to vote. The Rules of Procedure are to supplement my power to preside over meetings instead of depriving me of the power to preside over meetings as vested in me by the Basic Law. The Court of Appeal has already recognized this point of law.

As everyone knows, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen have clearly stated in their speeches that they would propose a large number of amendments for the sole purpose of filibustering on the Bill in order to press the Administration to accede to their requests. As Members all know, the Administration has already stated that it would not accede to these requests.

In the existing Rules of Procedure, there is no provision on how to handle filibustering. In order to discharge the powers and functions of the Legislative Council to examine and approve budgets, as well as to prevent the Legislative Council business from being further affected, I have decided to set a timetable on completion of the outstanding procedures of the Bill by exercising the power vested in me by Article 72(1) of the Basic Law and invoking Rule 92 of the Rules of Procedure.

I will allow Members to debate the outstanding amendments until 1 pm tomorrow (14 May), and will then put to vote each of the 710 amendments. It is estimated that the votings and all the outstanding procedures (which include 57

heads standing part of the Schedule of the Bill, clauses 1 and 2 standing part of the Bill and Third Reading) can be completed on 16 May. In this way, this Council may deal with other items on the Agenda of this meeting, while the Legislative Council Meeting on 22 May can resume normal.

I also have made an undertaking to Members that I will issue a written ruling on my decision in due course.

(Ms Cyd HO raised her hand in indication)

**MS CYD HO** (in Cantonese): Chairman, a point of order. Could you please allow me to speak in response for a couple of minutes?

**CHAIRMAN** (in Cantonese): What is your point of order?

**MS CYD HO** (in Cantonese): It is about your present announcement that the debate has to be concluded by 1 pm tomorrow. Chairman, in the closed-door consultation earlier, I said that the legislature is an organization responsible for monitoring the executive authorities and it is independent of the Government, but that it is not necessary for us to co-operate with the executive authorities. The fiscal cliff should be solved by the Government. The law also allows the Government to apply for provisional appropriations from the Legislative Council.

Chairman, although the judgment of the Court has recently recognized your power and function to ensure smooth operation of the Council when chairing the meetings, and your decision should be based on the operation of the legislature, it will be too hasty if you immediately announce that the remaining debate on the Budget has to be completed by 1 pm tomorrow. In the previous dozens of hours, we also participated in the debate and the contents of our speeches were not repeated. We also posed questions on some issues in the Budget which are worth discussion. As regards the amendments yet to be discussed, such as the amendments on reducing the salaries of the Director of Broadcasting, the Financial Secretary or the Secretary for Labour and Welfare, many Members also have the responsibility to speak. The period of time from now till tomorrow is indeed too short, while the notice given by the Chairman is also too short. In view of the Legislative Council's responsibility in offering advice when monitoring the executive authorities, and its function and responsibility of



monitoring the Government, Chairman, I cannot agree with you in terminating this debate in such an abrupt manner.

**CHAIRMAN** (in Cantonese): I thank Ms HO for her views. In the closed-door meeting just now, I have already explained that the reason for making this decision is not for coping with the Government's need, although I also pointed out that according to the Basic Law, this Council has the responsibility to examine and approve budgets. In making this decision, as Ms Cyd HO emphasized, my basis of consideration is exactly the Legislative Council. I also elaborated earlier that if we allow this debate to go on endlessly, the function of this Council will be affected first and foremost.

In regard to the time to end the debate, after I made the proposal in the closed-door meeting just now, no other suggestions have come to my understanding. If there are Members who think that the period allowed for the debate till 1 pm tomorrow is too short and there is not sufficient time, I am prepared to listen to Members' views. Where circumstances permit, I am prepared to allow Members more time to debate. I look forward to hearing Members' views.

(Mr WONG Yuk-man raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, what is your point?

**MR WONG YUK-MAN** (in Cantonese): Point of order. Last Friday, I already said in advance that you would take actions today .....

**CHAIRMAN** (in Cantonese): What point of order are you going to raise?

**MR WONG YUK-MAN** (in Cantonese): ..... you have been making all kinds of gestures. You take the side of the Hong Kong Communist regime in dealing a blow to the democratically elected Legislative Council. Shame on you!

**CHAIRMAN** (in Cantonese): Mr WONG, what you are now raising is not a point of order.

**MR WONG YUK-MAN** (in Cantonese): I protest against the Communist Party! Down with the Communist President of the Legislative Council!

**CHAIRMAN** (in Cantonese): Mr WONG, stop speaking now and sit down.

**MR WONG YUK-MAN** (in Cantonese): Shame on Jasper TSANG! Shame on Jasper TSANG! Shame on Jasper TSANG!

**CHAIRMAN** (in Cantonese): Mr WONG, leave the Chamber immediately.

(Mr WONG Yuk-man kept yelling loudly)

**CHAIRMAN** (in Cantonese): Mr WONG, leave the Chamber immediately.

(Mr WONG Yuk-man kept yelling loudly. Assisted by the Clerk and security officers, Mr WONG finally left the Chamber eventually)

(Mr Alan LEONG raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr Alan LEONG, what is your point?

**MR ALAN LEONG** (in Cantonese): Chairman, I notice that you mentioned earlier you would issue a written ruling. Since what you said just now has aroused my concern for some points, may I speak now so that you can handle them together in your written ruling?

**CHAIRMAN** (in Cantonese): Please speak.

**MR ALAN LEONG** (in Cantonese): All right. Chairman, first of all, after you had held the closed-door meeting with us, you openly expressed that you wished the Government could do something to deal with this difficult plight. However, I did not see the executive authorities answering your call afterwards .....

**CHAIRMAN** (in Cantonese): Please be concise.

**MR ALAN LEONG** (in Cantonese): All right. Therefore, Chairman, will you also explain in your written ruling whether we are coping excessively with the demand of the executive authorities? In dealing with the question, you as the President should use this Council as the basis. Otherwise, if we should undermine our functions and if there is any issue involving legislation on Article 23 of the Basic Law or political reform in future, problems will arise. Are you exercising the power of the President excessively in this case? I would like to see an exposition by you in your written ruling.

**CHAIRMAN** (in Cantonese): All right, I see. Your point is very clear.

**MR ALAN LEONG** (in Cantonese): Second, suppose you have the power and function to preside over meetings in accordance with Article 72(1) of the Basic Law, will you explain in your written ruling whether you have excessively exercised the relevant power in the present situation? This would include the case of the 700-odd amendments. Your original ruling is that they would be dealt with in 140-odd debates. But, now, you say that the debate will only last until 1 pm tomorrow. Is this not contradicting yourself? Will you be excessively exercising your power due to your excessive co-operation with the executive authorities? I hope you will deal with this point in your written ruling.

Besides, I saw that you were reading out your decision from a script. When you consulted Members this morning, did you actually already have a presumption such that you could not seriously and modestly listen to our views? I hope that you can also explain in your written ruling why there would be such an arrangement.

**MS EMILY LAU** (in Cantonese): Chairman, when exercising your power, you should have a very solid legal basis and should not consider any political factors. Only then can you convince the public that the Legislative Council, and you as the President in particular, is independent and impartial. Therefore, we hope that you can provide the written ruling as soon as possible. Besides, you also mentioned that the staff of the Secretariat have provided you with a lot of independent, professional and objective views, and they agree with you .....

**CHAIRMAN** (in Cantonese): Ms LAU, I have heard your views clearly.

**MS EMILY LAU** (in Cantonese): I just heard you say that if Members thought that your decision had not struck the right balance ....., We also say that you can exercise your power, but Members also have the right to speak. Hence, if you suddenly shorten the debating period so that Members do not have the chance to speak ....., You just said that you were prepared to listen to Members' views and adjust the arrangement.

In the closed-door meeting just now, we earnestly suggested that you should discuss with Members again and see whether there would be a more appropriate method with which Members' right to speak would not be unreasonably restricted by you. Besides, Chairman, when exercising the power, you should tell the community your legal basis.

**CHAIRMAN** (in Cantonese): Ms LAU, I will surely do as you suggested.

**MS EMILY LAU** (in Cantonese): However, Chairman, you are not doing so at present. The public also wants to know clearly what is going on. If you say that there is still room for Members to discuss how long the debate will last ....., Do you actually already have a decision, or you just raised that proposal for Members to consider?

**CHAIRMAN** (in Cantonese): Ms LAU, Members, please do not repeat what we have already discussed in the closed-door meeting. When Ms Cyd HO raised the question earlier that there was not sufficient time, I already clearly pointed out

that when I proposed in the closed-door meeting that the debate would last until 1 pm tomorrow, I did not hear other suggestions then.

If after consideration, Members think that there is not sufficient time, as I also mentioned in the closed-door meeting just now, if Members are willing to extend the meeting time, or come back for the meeting on Saturday or Sunday, we can of course have more time for debate. I only told Members that we had to finish all the procedures of the Bill before the meeting on 22 May next week. In case Members are willing to extend the meeting time, I would naturally be pleased to consider it. As to the question of why I combined various debates and set the closing time for the debate, I have already explained it earlier.

Ms Claudia MO and Dr Fernando CHEUNG have raised their hands in indication. Nevertheless, I would like to emphasize that Members should not repeat what we already discussed in the closed-door meeting or debate my ruling at this moment.

**MS CLAUDIA MO** (in Cantonese): Chairman, your sudden proposal has become your ruling. I have to raise my strong protest here. Your way of handling smacks of abuse of power. Of course, you have great discretionary power. But .....

**CHAIRMAN** (in Cantonese): Ms MO, I cannot allow you to speak further.

**MS CLAUDIA MO** (in Cantonese): Chairman, your way of handling is violent, and even hypocritical.

**CHAIRMAN** (in Cantonese): Ms MO, you are free to express your views on my decision in any place. But in this Chamber, please do not discuss my decision.

**MS CLAUDIA MO** (in Cantonese): But you have now undermined Members' right of speech. You only allow the debate to last until 1 pm tomorrow. This

is shorter than the deadline for cutting off the filibuster that I imagined, worse than the situation I imagined. Chairman, this is unacceptable.

**CHAIRMAN** (in Cantonese): Ms MO, please stop speaking. Please sit down.

**MS CLAUDIA MO** (in Cantonese): In that case, I now walk out in protest.

**DR FERNANDO CHEUNG** (in Cantonese): Chairman, point of order. I cannot accept the ruling made by you just now on the presiding over of meetings. I agree with you that Article 72(1) of the Basic Law has vested in the President the power to preside over meetings. However, the President should preside over meetings in accordance with the Rules of Procedure. You have also exercised the power vested in the President by Rule 92 of the Rules of Procedure to cut off the filibuster. But Rule 92 of the Rules of Procedure is related to "Procedure if Rules of Procedure do not Provide" .....

**CHAIRMAN** (in Cantonese): Dr CHEUNG, I have to reiterate that I cannot allow Members to debate with me in the meeting a decision already made by me. If you have any views, you can express them through other channels, and I am also prepared to explain to you outside the meeting. In regard to your question on the basis of the source of my power, I have already undertaken to explain it clearly in the written ruling.

**DR FERNANDO CHEUNG** (in Cantonese): But, Chairman, your ruling has deprived Members of their right to debate and vote on the amendments to the Budget.

**CHAIRMAN** (in Cantonese): I have already explained this point clearly. Will Members please not speak further on this point.

**DR FERNANDO CHEUNG** (in Cantonese): Chairman, this is the power and function that can be exercised by the Legislative Council as prescribed in Article 73(2) of the Basic Law.

**CHAIRMAN** (in Cantonese): Dr CHEUNG, please sit down. I now have to exercise the power and function vested in me by Article 72(1) of the Basic Law. I now ask the Clerk to read out the heads of the amendments which have yet to be debated.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have pressed the button but there is no response.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): The button is not functioning. I raised my hand, did you not notice?

**CHAIRMAN** (in Cantonese): What is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): I wish to speak on your ruling.

**CHAIRMAN** (in Cantonese): It is not appropriate for Members to debate further my ruling in the meeting. I have already said that in regard to my ruling, if Members have any views from the legal, procedural or political angle, I am prepared to discuss with them again outside the meeting. We now have to continue with the procedure of examining the Bill.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, you allowed other Members to speak but disallowed me to speak. Is that reasonable?

**CHAIRMAN** (in Cantonese): We should now debate the amendments to the Bill.

**MR LEUNG KWOK-HUNG** (in Cantonese): If you disallowed Members to speak in the first place ..... I raised my hand but you did not see.

**CHAIRMAN** (in Cantonese): Apart from speaking on the question proposed, a Member can only stand up to speak when he has a point of order. What was raised by the several Members just now is not a point of order. I cannot allow Members to debate in the Chamber the ruling already made by me.

**MR LEUNG KWOK-HUNG** (in Cantonese): I now also have to raise a point of order.

**CHAIRMAN** (in Cantonese): Then please raise it.

**MR LEUNG KWOK-HUNG** (in Cantonese): My point of view is very simple. Rule 92 of the Rules of Procedure has conferred on you the special power to end a debate. Article 72 of the Basic Law has conferred on you some powers. However, when Article 72 conflicts with Article 73, will not Article 73 prevail? Buddy, without the Legislative Council, where will the President come from? Without Legislative Council Members, will there be a President? Can you go back home and preside over meetings with your wife? Honestly, in all fairness, without the rights of Legislative Council Members, there will not be any power of the President.

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have already expressed your view. But this is not a point of order. You mentioned the relationship between Article 72 and Article 73 of the Basic Law. This actually was already mentioned in the closed-door meeting. You think that the Court has not listened to your opinions. You should seriously read the judgment passed by the Court and look at the Judge's verdict, in which the argument now raised by you, that is



the relationship between Article 73 and Article 72 of the Basic Law, was indeed mentioned. Now will you please sit down.

**MR CHAN CHI-CHUEN** (in Cantonese): Point of order. Chairman, in the closed-door meeting earlier on, you hastily made a few remarks which I believe many colleagues could not hear clearly. I called the staff of the Secretariat for enquiries but no one could answer me. For example, the joint debate is now resumed. Do Members have to move the motions? Another example is that you said the debate would last until 1 pm tomorrow, and you also said you were listening to Members' views and could change the arrangement at any time. However, you resumed the meeting immediately. Members can basically not arrange the speeches they are going to make. You have not given sufficient time for Members to prepare their speeches. Chairman, is that procedural arrangement reasonable?

**CHAIRMAN** (in Cantonese): Since Members have been examining the Bill for quite some time, and they have conducted a special meeting of the Finance Committee for discussions with government officials which lasted for hours and put forward their opinions in respect of not a few issues concerned in the last dozens of hours, if Members say that they have yet to think of what to say or are still not properly prepared today, this is not the fact.

In regard to the duration of debate, as I already said earlier, a decision is a decision, and a proposal is a proposal. I told Members that we should finish the procedures of the Bill before the 22 May meeting. In pursuance of that target, I proposed it would be more appropriate that the debate on the amendments would last until 1 pm tomorrow. However, I also mentioned that if Members requested an extension of the time, I would be prepared to listen to Members' suggestions, for instance, to extend it by two hours, three hours, or four hours. I could consider whether there are other ways to spare a few more hours for Members to debate. Or I could discuss with Members and see whether they are willing to extend the meeting. All these can be considered and there is no contradiction.

Mr CHAN, you asked whether Members had to move the motions, insofar as a joint debate is concerned, the long-standing rule is that only if there is a Member who has moved any one of the motions in the debate concerned, the

debate can proceed. The normal practice is that if there is a series of motions, the President will ask the mover of the first motion scheduled for that session of debate to move his motion, and the debate will then commence.

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): Chairman, I consider that you have to explain clearly the order of business, as to the joint debate procedure for the past 10 days was set down by you long before that, and in each debate session, the mover of the first amendment would rise and move the relevant amendment. However, now that you are combining the remaining joint debates, what exactly ..... first, in the past, before the meeting, all the items to be discussed would be listed on the Agenda and there would be a Script, but this time around, it is rather unprecedented that we have no papers at all, and it is you the Chairman who proclaims the so-called proposal, actually it is not a proposal at all, you were actually instructed by the Liaison Office of the Central People's Government in HKSAR, the communist party, right?

May I ask, how can you chair a meeting without the Script?

**CHAIRMAN** (in Cantonese): Mr CHAN, what you have raised is not a real point of order.

**MR ALBERT CHAN** (in Cantonese): Chairman, my question is, without the Script, without the Agenda, on what basis can you chair the meeting? Are you merely relying on your personal preference? Are you relying on the instruction of the communist party? How can you chair a meeting this way?

**CHAIRMAN** (in Cantonese): Mr CHAN, I am warning you, if you still make insulting allegations without substantial and factual evidence to support your

argument, your conduct is considered grossly disorderly and I will order you to leave the Chamber immediately.

**MR ALBERT CHAN** (in Cantonese): Chairman, are you going to clarify that you are not a member of the communist party?

**CHAIRMAN** (in Cantonese): Mr CHAN, if you continue, I will order you to leave the Chamber.

**MR ALBERT CHAN** (in Cantonese): Chairman, will you please clarify the issue concerning the Script? Now there is no Script at all, no instruction, this meeting is unprecedented as we are having a meeting without the Script.

**CHAIRMAN** (in Cantonese): Mr CHAN, you have raised your point; please take your seat.

The various amendments set out in the Appendix attached to the Script are of course valid. When we last suspended the meeting, we were dealing with the 18th joint debate, but the debate had not come to a close. Members need only refer to the Appendix to see clearly which amendments will be debated in the rest of the time. Just now I have explained to Members the usual practice. When we are dealing with the remaining debates, I will call upon the mover of the first amendment in that debate session to move the amendment first, and then the debate will commence. As to the Script, the staff of the Secretariat are highly efficient, so the revised Script will be circularized to Members as soon as possible.

**MR ALBERT CHAN** (in Cantonese): Chairman, shall we suspend the meeting and wait for the revised Script before we continue with the meeting.

**CHAIRMAN** (in Cantonese): The relevant procedure is very clear.

**MR ALBERT CHAN** (in Cantonese): Chairman, I do not have a clear idea.

**CHAIRMAN** (in Cantonese): The procedure is not confused at all. Will Members please look at Appendix I attached to the Script. The remaining items are all the amendments and various heads that we are going to debate.

**MR ALBERT CHAN** (in Cantonese): Chairman, should we not let Members sort out the procedure before we commence the meeting?

**CHAIRMAN** (in Cantonese): Mr CHAN, I have responded to your question, please sit down.

I will now call upon the Clerk to read out the heads under the amendments which have yet to be debated.

**CLERK** (in Cantonese): Heads 44、46、47、49、53、55、59、62、63、70、72、74、76、79、80、82、90、91、92、94、95、96、100、122、137 to 144、147、148、151、152、155、156、158、159、160、162、163、169、170、173、180、186、190 and 194.

**CHAIRMAN** (in Cantonese): The heads read out by the Clerk just now do not include head 29, as the Clerk already read out that head previously, and in accordance with the Rules of Procedure, it will not be read out again. Nevertheless, as to the three amendments related to head 39, that is, the amendments under the 18th and 19th joint debates, Members may continue to speak on them as the two debates have not come to a close. Therefore, Members may speak on the three amendments related to head 39 as well as various amendments related to heads 44 to 194.

**MR ALBERT CHAN** (in Cantonese): Chairman, I do not have time to check in detail the items read out by the Clerk just now and see if all the amendments proposed by me are included. I am not sure about that.

**CHAIRMAN** (in Cantonese): What the Clerk read out just now are the heads to which amendments have been proposed but not yet debated. The Clerk has read out only those heads.

**MR ALBERT CHAN** (in Cantonese): Chairman, how can I ensure the heads read out by the Clerk just now include the heads to which the amendments proposed by me are related? I have not had sufficient time to determine that. As the mover of the amendments, am I not duty-bound to ensure all the heads read out by the Clerk include all the amendments proposed by me?

**CHAIRMAN** (in Cantonese): I have already told Members that according to the instruction given by me just now, Committee Members may speak on amendments concerning head 39 as well as those amendments proposed to heads 44 to 194 but have yet been debated. If the relevant amendment is related to heads 39, 44 to 194, then Members may speak.

I now call upon Mr Gary FAN to move Amendment No 176 as set out in Appendix I attached to the Script.

(Mr Paul TSE stood up)

**CHAIRMAN** (in Cantonese): Mr Paul TSE, what is your point?

**MR PAUL TSE** (in Cantonese): Chairman, I need only 30 seconds. You were very or relatively lenient in dealing with all the amendments previously. But the arrangement adopted by you now is, I am afraid, pushing it too far the other way. I hope you can give us more time. We may temporarily not resume the meeting this morning so that Members can have a chance to reasonably digest the decision made earlier and the amendments concerned. I think this may be more favourable to the Chairman and in any tests in court in future. This is my view for the Chairman's reference. Thank you.

**CHAIRMAN** (in Cantonese): Later on when I do not need to preside over this meeting, I will study the issue with Members again. But now we should

continue with the meeting. I now invite Mr Gary FAN to move Amendment No 176, that the amount under head 44 be reduced in respect of subhead 297. This amendment is about the expenses on the South East New Territories Landfill under the Environmental Protection Department.

**MR GARY FAN** (in Cantonese): Chairman, I do not agree with the decision of cutting the filibuster made by you today. I consider that you have allegedly abused the President's power.

Chairman, I now move the Amendment No 176 set out in Appendix I attached to the Script that head 44 be reduced by \$221,000,000 in respect of subhead 297, with a view to cutting an amount equivalent to the annual operational expenses of the South East New Territories (SENT) Landfill (that is, the Tseung Kwan O Landfill) of the Environmental Protection Department (EPD).

**Mr Gary FAN moved the following motion:**

"RESOLVED that head 44 be reduced by \$221,000,000 in respect of subhead 297."

**CHAIRMAN** (in Cantonese): Mr FAN, you may continue with your speech.

**MR GARY FAN** (in Cantonese): Chairman, I have to make a declaration first. I am a Sai Kung District Council member, I also live in Tseung Kwan O, and I am a Tseung Kwan O resident. This time around the Neo Democrats proposes to cut the annual operation expenses of the SENT Landfill, that is, the Tseung Kwan O Landfill, is actually because we wish to express the aspiration of some 400 000 Tseung Kwan O residents. We request the Government to make a clear statement that it will shut down the Tseung Kwan O Landfill upon its expiry and abandon the extension plan in order to let them see justice done to them.

Over the years, Hong Kong has established 16 landfills, including the remaining three which are still in operation. They are strategic landfills that provide waste dumping service for the public. As to the other 13 landfills, they were shut down one after another from 1975 to 1996. Phase I of the Tseung Kwan O Landfill was developed in the 1980s', with the first three phases of

Tseung Kwan O Landfill having shut down during 1993 and 1994. The current SENT Tseung Kwan O Landfill was established in 1993 and commissioned in September 1994. The landfill's total area (land and sea surface) is 100 hectares, with a capacity of 43 million cu m, and it receives 4 800 tonnes municipal solid waste (MSW) and special waste daily.

Chairman, what do these figures represent? These figures represent the fact that Tseung Kwan O residents and their community have been tolerating these three large scale landfills over the past 20 years or so. The total area of these three landfills exceeds 10% of the total area of Tseung Kwan O, that is, 10 times bigger than the Victoria Park. The landfill which is 10 times bigger than the Victoria Park includes 18 hectares of land in the Clearwater Bay Country Park (CBCP) lent to the landfill temporarily when the Government built the landfill in 1993. Over the years, Tseung Kwan O residents and their community have been fulfilling their civil duty by offering their community to receive one third of Hong Kong's MSW, and they have handed part of the CBCP, the community where they have been living as well as the backyard of Hong Kong to the Government to serve Hong Kong people. Chairman, what price have they paid for such sacrifice? The price for the sacrifice is that Tseung Kwan O residents have to tolerate the daily air and stench pollution, they have to bear some 2 000 refuse collection vehicles travelling in and out of the residential area on a daily basis, and they have to bear the fact that there is an active landfill in the community and residents have to fight for the right of using the roads with vehicles every day.

According to the latest figures of the Hospital Authority, the longest waiting time for the Department of Ear, Nose and Throat (ENT) is 140 weeks, which is the highest in Hong Kong, and also the longest. Prof WONG Tze-Wa of School of Public Health and Primary Care, The Chinese University of Hong Kong, has pointed out that the relevant study showed that the suspended particles are related to causing upper respiratory diseases. As MSW and other wastes are dumped at the Tseung Kwan O Landfill, the dust caused by dumping in the area will increase the amount of suspended particles in the air. Dr Dennis LEE, associate consultant of the Department of ENT of Tseung Kwan O Hospital also pointed out that air pollution had intensified the reaction of allergic rhinitis patients towards sensitizers and increased their chances of incidence.

Chairman I am not a medical professional or environmental protection expert, I dare not directly associate the demand of Tseung Kwan O residents for ENT service, which is the greatest in Hong Kong, with this issue. Nevertheless,

the fact that the Environmental Protection Department has refused to monitor air quality indices in Tseung Kwan O or the area near the landfill and refused to publish the data concerning suspended particles, that is, the concentration per hour of PM2.5, has caused suspicions among Tseung Kwan O residents.

Chairman, why do Tseung Kwan O residents oppose the continued operation of the landfill and the Government's intention of extending the landfill? I wish to quote the aspiration of this Ms HO, a Tseung Kwan O Plaza resident, who has expressed her views to me for many times over a long period of time and has been expressing her views persistently, as well as the complaints she has filed with the Government. She said that now that Tseung Kwan O is developing rapidly, the area is densely populated, yet the authorities have no intention to shut down the landfill which has been operating for more than 10 years, instead, they are trying to bulldoze through the extension and turning a blind eye to the interest, health and living quality of Tseung Kwan O residents, which is unfair to the residents.

I feel angry and helpless. According to the information I have gathered, the Government has shut down the Tai Po Landfill and Sai Tso Wan Landfill as soon as possible in the light of the development of the nearby area, so as not to cause serious nuisance and impact on the environment and residents. However, in the case of the Tseung Kwan O Landfill, that is, the SENT Landfill, the Government is working in the opposite direction; it is not only not shutting down the landfill, but seeking an extension. This approach of the authorities is tantamount to turning a blind eye to the pains of Tseung Kwan O residents and treating them as second-class citizens.

Chairman, a group of LOHAS Park property owners in Tseung Kwan O have sought help in my office for many times, stating that after they had moved in, they had been suffering from the impact of stench and air pollution. For that reason, on behalf of the Neo Democrats, I have proposed the amendment to cut the annual operation expenses of the SENT Landfill this time around, as I consider that we have tenable facts to substantiate our case, and we also hope to make a push to help the Tseung Kwan O Landfill complete its historical mission within this year.

Chairman and colleagues, in particular members of the Panel on Environmental Affairs who conducted a duty visit in South Korea sometime ago, let us assess in which place or which country will a landfill be built that close to



residential area? What kind of newly planned residential estate will LOHAS Park be? Now it has a dozen of residential blocks, and with 50 blocks of 50-storey high rises, it will be one of the biggest residential project in Hong Kong, two times larger than Taikoo Shing. Why does our city planner, our Government have to allow the continued operation of this landfill which has incessantly been undermanaged, and emitting stench and causing pollution to the surrounding environment?

Chairman, over a long period of time in the past, the Government has not adopted what we consider the best plan in environmental protection, that is, waste reduction; the second best plan is to recycle and reuse; but we can only see that the Government keeps on using the worse plan, that is, landfill, and now the current plan is incineration of MSW. Therefore, we have to make the Government face public opinion squarely. On behalf of the Neo Democrats, I have proposed the amendment to cut the annual operation expenses of the SENT Landfill, that is, the Tseung Kwan O Landfill, and I hope all Legislative Council Members will support my amendment.

Thank you Chairman.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, may I ask you, whether the so-called proposal made by you has actually become reality and part of the decision of the Legislative Council, that is, it cannot be discussed anymore, right?

**CHAIRMAN** (in Cantonese): I said that already just now.

**MR LEUNG KWOK-HUNG** (in Cantonese): That is correct, right? Then it is good.

Chairman, I consider your decision inappropriate .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, as I have said already, now Members should not debate my decision. Please speak on the remaining amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): I consider that I must sort that out with you. All of a sudden, the so-called proposal made by you has turned into a decision, which is inappropriate. You have made such an abrupt decision, and Members here seem to be all numb. How can we allow this to happen in the legislature? At least, you should allow Members to take a break and discuss it. But now you are still chairing the meeting, how can I speak with you outside the Chamber?

**CHAIRMAN** (in Cantonese): Mr LEUNG, I have said that just now, therefore please do not express views on my ruling.

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): Chairman, your ruling should be explained and questioned. Just now you said that it was a "proposal" in the closed-door meeting, but now it has become a "ruling", and everything is decided by you alone, every decision is made by you alone. You have simply ignored the basic requirement of we Members .....

**CHAIRMAN** (in Cantonese): Mr CHAN, I have already said that Members should not express views on my ruling.

**MR ALBERT CHAN** (in Cantonese): ..... It only cost you very little time to suspend the meeting to check against the meeting procedure; I need to check clearly if all my amendments are included .....

**CHAIRMAN** (in Cantonese): Mr CHAN, if you are not going to discontinue, I will order you to leave the Chamber.

**MR ALBERT CHAN** (in Cantonese): Chairman, I will walk out in protest of your abuse of power.

**CHAIRMAN** (in Cantonese): Mr CHAN, stop speaking immediately.

**MR ALBERT CHAN** (in Cantonese): I will walk out. You need not drive me away from the Chamber.

**CHAIRMAN** (in Cantonese): Stop speaking at once.

**MR ALBERT CHAN** (in Cantonese): I think you have abused your power. I walk out in protest of Jasper TSANG's abuse of power! Down with the Hong Kong communist regime.

**CHAIRMAN** (in Cantonese): Mr CHAN, leave the Chamber at once.

(Mr Albert CHAN kept on shouting loudly)

**CHAIRMAN** (in Cantonese): Leave the Chamber at once.

(Mr Albert CHAN kept on shouting loudly, and subsequently left the Chamber with the assistance of the Clerk and security officers)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, do you wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I do not know the reason why you drove Mr Albert CHAN out of the Chamber. Nevertheless, I have never seen this in any legislature that after a proposal is made, it suddenly became a decision, even if we ask for a short break, you simply reject us. Does this legislature has any dignity left?

**CHAIRMAN** (in Cantonese): Mr LEUNG, I have to remind you that you should not discuss this issue anymore, because we suspended the meeting for two hours this morning to discuss this issue. I have explained clearly to Members the rationale for me to make such a decision, and I also understand that not all Members support or agree with my decision. However, as a convention, this Council never allows Members to debate the ruling made by the President, therefore, please do not comment on my ruling.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, what I have to say is ..... because the meeting is now "on air", as far as I know, the duty of the Chairman is to take care of the rights of those who are not present, today you made the proposal only at the last minute. Had you made it earlier, I would have retorted you. However, you just made it only at the last minute .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are still commenting on the ruling made by me. Please stop speaking.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, in the debate this time around, I think I am the one who has most seriously prepared for each of my speech among all Members, as I wish to educate the public by way of filibustering. On both private and public occasions, I still consider the Chairman fair person enforcing the rules and regulations in the past. I am not trying to discuss the ruling you have made just now, Chairman, but since the way you enforce it is too poor: you made your "proposal" in the final minutes, actually it was a decision, then nobody had the chance to make a counter-offer, and after 10 minutes or so the meeting resumed.

**CHAIRMAN** (in Cantonese): Mr CHAN, what you are doing now is no different from other Members. I reiterate it once again. I did not adjourn the meeting immediately after I had made the proposal, I did ask Members whether or not they had any other suggestions, but I did not hear any view raised by any Member.

**MR CHAN CHI-CHUEN** (in Cantonese): Your ruling in writing has not yet been circularized to us, we have not seen clearly your rationale, and we do not know whether to support or to walk out. We have not been able to make such a decision.

**CHAIRMAN** (in Cantonese): Mr CHAN, I remind you once again that you should not discuss the ruling made by me. If you have to speak on the amendments, please do so, otherwise you should sit down now.

**MR CHAN CHI-CHUEN** (in Cantonese): I have prepared to speak on the amendments, and I have already prepared to speak on the last amendment concerning the purchase of Dongjiang water. However, if I start speaking now, then it is equivalent to agreeing with your ruling, and your ruling is rather vague; we have no papers at hand, and the rationales for the written ruling is not yet ready.

**CHAIRMAN** (in Cantonese): Mr CHAN, I wish to give you one final reminder. If you keep on expressing views on my ruling, I will have no alternative but to ask you to leave the Chamber.

**MR CHAN CHI-CHUEN** (in Cantonese): If I keep on speaking, at most I should be ordered to sit down. Are you telling me to leave the Chamber immediately?

**CHAIRMAN** (in Cantonese): Mr CHAN, if you defy my advice repeatedly, your conduct is deemed grossly disorderly. I shall remind you once again. You should speak on the amendments, otherwise please sit down and discontinue with your speech. If you keep on standing and expressing views on my ruling, I will have to order you to leave the Chamber.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, please take a look as nobody over here is present, while those who agree with your ruling should be

remaining in the Chamber. I wish to tell everybody by way of the headcount: whoever agrees, stays; whoever disagrees, out!

**CHAIRMAN** (in Cantonese): Mr CHAN, are you requesting a headcount?

**MR LEUNG KWOK-HUNG** (in Cantonese): I request a headcount in accordance with Rule 17(3) of the Rules of Procedure.

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

(Mr LEUNG Kwok-hung stood up when the summoning bell was ringing)

**MR LEUNG KWOK-HUNG** (in Cantonese): Buddy, you have to write it down. It is like a "divine book without words", I have read it thoroughly.

**CHAIRMAN** (in Cantonese): Mr LEUNG, I have made the decision on how to deal with the remaining proceedings of the meeting.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, but what are the rationales for making the ruling?

**CHAIRMAN** (in Cantonese): I have undertaken that I will provide a written explanation of the rationales.

**MR LEUNG KWOK-HUNG** (in Cantonese): When?

**CHAIRMAN** (in Cantonese): I will try to finish that within a couple of days as soon as I can and circularize the written ruling to Members.

**MR LEUNG KWOK-HUNG** (in Cantonese): In other words, you are unable to state clearly of your rationales, shouldn't that be the case?

**CHAIRMAN** (in Cantonese): The rationales are very clear.

**MR LEUNG KWOK-HUNG** (in Cantonese): You have to put them down in black and white.

**CHAIRMAN** (in Cantonese): I will enumerate them in writing and the translation takes some time.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): That is to say, after the debate is over, you will have them ready, right? That is, I cannot retort you.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please sit down. Will Members please return to their seats. Committee continues. Does any other Member wish to speak?

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, first of all, I of course know that you do not wish us to comment on your ruling. We do not wish to comment on your ruling now either. However, I would like to state clearly that although my speech is about the amendments to the Budget, it does not mean that we approve of your ruling. We also oppose any move to cut off the filibuster.

Many amendments are actually rather meaningful. In my opinion, one of the most important point is: Who is the one to blame for the entire Budget? We have to make this clearly. The main culprit for the entire Budget is Financial Secretary John TSANG. He has formulated such a Budget which is no different whatsoever from his budgets over the years. No matter logically or strategically,

they are very similar. Even though LEUNG Chun-ying has now come to office, he still sticks to the old rut. I believe LEUNG Chun-ying also supports this Financial Secretary. They are also using the same old way. Obviously, we think that his remuneration must be reduced. His whole year's remuneration has to be cut as I think that this Financial Secretary has gone too far.

Let us recap some history. We notice that he is just the same every time. He does not introduce any long-term measures other than some "candies" every time. Nevertheless, what is the most detestable and shameful, as you, Chairman, also know, is that he is just like that every time. Before the budget was announced, he would claim that there would definitely not be "candies", the money would be used appropriately, and there had to be a very prudent financial strategy. Nonetheless, when there was a surplus, did he not resort to giving away "candies" just the same? It has been like that for these six years. I have come up with a computation: if we put the money from his "candies" to long-term financial planning and recurrent expenditure, many existing deep-rooted conflicts in Hong Kong can be solved for good. However, this Government does not solve the problems but only know how to whitewash.

Chairman, he actually also knows there are problems. How does he know that there are problems? He is also aware that the poverty problem is very serious now. Cries of discontent fill the whole community which thinks that the Government is basically not willing to solve the problem. However, this Financial Secretary is also not willing to solve the problem with determination. He only comes up with a Community Care Fund (CCF) to palter with our demands. In case there are any problems, for example, when people complain about the existing high rental level of subdivided units, a subsidy will be made from the CCF to support the tenants of subdivided units so that they will not become very poor due to the high rental level of subdivided units. If you really have commitment, you will not do so. You should introduce rental control and then formulate a long-term policy. You should provide rent allowance to all the Waiting List applicants. Or else, you should do it even more thoroughly. But, you are not bold enough and only came up with a CCF. Hence, what the Financial Secretary is doing now is that he basically is not doing anything. He actually just let the people continue to remain in poverty. Those deep-rooted conflicts can totally not be solved and to which he is, however, oblivious.

As a matter of fact, the colleagues participating in filibustering have stated clearly many times that the most important issue in the present case is: Why do



we have to filibuster? They have already clearly said that this is for the sake of universal retirement protection. Concerning universal retirement protection, people are saying that the problem of ageing population is very serious. However, the Government does not think about how to do a good job of universal retirement protection. The Government has been procrastinating on this issue for many years. In the past, it would say that the Central Policy Unit will carry out studies. Nonetheless, for each of those studies, the result would not be announced for us to see. The Financial Secretary would not give an answer either. He said this might not be the best way and also that it needed time to study. But, after all these years of study, he does not announce any study results and then continues to procrastinate. Universal retirement protection actually continues to idle its time away.

When it comes to filibustering, basically it is the Government which is filibustering. On many livelihood problems which urgently need amelioration, the Government is also filibustering in a comprehensive manner. They include universal retirement protection mentioned just now, the medical problem — many people criticize that a lot of people have to bear very expensive medicine due to the Drug Formulary, but the Government keeps on filibustering and does not solve the problem — and the housing problem which the Government also does not solve and just sits on it. Basically, the Government is filibustering. This Financial Secretary has long been unwilling to make long-term commitment to solving the problems. Chairman, if there is referendum for Hong Kong people, I believe all Hong Kong people will indicate that his remuneration should be reduced or he even has to step down.

Therefore, we support one of the very important amendments this time around, which is to totally cut the Financial Secretary's whole-year remuneration until he can carry out the functions and duties as a Financial Secretary. For instance, in this Budget, he actually has not greatly raised any recurrent expenditures. The income of the Government has been on the rise in the past, but the increase rate of recurrent expenditures could not catch up with the recurrent operational income. Since there is a gap, a structural surplus will often appear. The economy has grown and the income has increased, but the recurrent expenditures have not seen any increase accordingly.

What will be the result when there is no corresponding increase? There will be a surplus. Since there is a surplus, what is his solution every time? He will squander by way of non-recurrent expenditure. We in the Labour Party have long been requesting an increase of the recurrent expenditures by

\$20 billion, which is equal to 1% of GDP. In doing so, the Government will have an extra \$20 billion to use and many problems can thus be resolved immediately. For the problem of universal retirement protection we mentioned just now, we request an allocation of \$50 billion to a seed fund. We have mentioned that a lot of service institutions now need resources for development, including manpower resources and employment of additional staff. All these need an increase in recurrent expenditures. In respect of labour, we need more employment protection and this requires an increase in recurrent expenditures. Concerning social welfare and social protection, it actually also needs an increase in recurrent expenditures. Particularly in the provision of a living subsidy for low-income families which we have been advocating, this needs an increase in recurrent expenditures. Therefore, if we have \$20 billion, the effect that can be achieved is that for any structural problem in the community which has to be resolved, we can make use of the additional of \$20 billion to solve the problem. Nonetheless, this Financial Secretary totally neglects such needs.

Perhaps the Financial Secretary will say that it is not necessary to do so at the moment, as every department can apply for funding when necessary. Every time, he will shirk the responsibility onto the Directors of Bureau. He will say that it is not him who is turning off the tap, but the Directors of Bureau have not expressed such a need. However, Chairman, we all know the rules of this game and his golden rule, that is, he will increase expenditure according to the economic growth every year at the most. However, that amount of money is limited. Because if the expenditure is increased according to economic growth, it can only cope with internal inflation of the Government. Beyond the internal inflation of the Government, the increase may only be a few percent and that is only an extremely limited amount.

Well, given this golden rule and under the incantation of the Golden Hoop, what should the departments or Directors of Bureau do? They will, of course, follow the Government's rules of the game. They will not abruptly initiate and say, "Hey, Financial Secretary, I think my department has to increase the expenditure by \$20 billion." If they say so, the Financial Secretary will think that they are mad, and ask in return, "Do you civil servants want promotion? You obviously know that it is against my will but you still come forward." In fact, this Financial Secretary is taking advantage of others. He always say that the departments can make requests. But how can a department make a request? When those departments clearly know that he has the golden rule, they will only consider how to obtain the required funding under the incantation of the Golden Hoop. In this way, they will not solve the many problems but will only shirk the

responsibility onto the Financial Secretary. They will then say to these local groups, "Our money is really limited. There is the incantation of the Golden Hoop. You just go and ask the Financial Secretary." When we ask the Financial Secretary, the Secretary will say, "Sorry, you should ask the Directors of Bureau." He really keeps us on the jump. Chairman, the Directors of Bureau and the Financial Secretary are actually passing the buck to each other. The Budget is meant to solve this problem of shirking responsibilities. In other words, the Financial Secretary should clearly turn on the tap. Therefore, we suggest that recurrent expenditures should be clearly increased, no more giveaways in future and no playing with "non-recurrent expenditures" in future. What he has to do is to seriously solve all the structural problems and increase expenditures in one go, so that there can be genuine improvement in various aspects like healthcare, education and social welfare that I just mentioned.

If the problems can be resolved this way, there can be long-term planning. However, this Financial Secretary does not follow this way. Hence, we say that his remuneration has to be reduced. It is because this Financial Secretary has all along remained entrenched in the position but doing no useful work. He has been discharging his duties in a perfunctory manner, and refuses to solve this problem. If we do not give him a clear message this time, telling him that the entire Council will be discontented with his way of handling, he will do the same thing next year. Sometimes the pro-establishment camp also knows how to chide the Financial Secretary like me. However, they will not give him a message telling him not to do the same thing next time. If his remuneration can be reduced this time around, we can convey to him a clear message, that he cannot repeat this next time.

In my opinion, the other shameful and nasty means of the Financial Secretary in handling this Budget is to intimidate the public. The Financial Secretary has intimidated the public that if there is filibustering, a lot of expenses cannot be met. In fact, this is only intimidation, because he basically has tools at his disposal but he just does not use them. He can make use of the tool of applying for provisional appropriations to cope with the need of departmental expenditures. He did not do so but shirk the responsibility onto this Council. As a matter of fact, he is shirking the responsibility onto you to a certain extent, Chairman. Of course, you have explained that you are not shouldering this responsibility for the Government. However, I think you are basically shouldering the entire responsibility for the Government. You are staring at me. Certainly, you do not want me to comment on your ruling. I am not commenting on your ruling now. But I think that the Financial Secretary is

basically derelict in his duty. He is passing the buck to the Council and holding you responsible for it. Nonetheless, if we have to find out who is to blame, it is the Financial Secretary who has presented this Budget which is woefully defective, while he is unwilling to really actively respond to Members' requests. This is how the present situation has become so deplorable and we have been using different methods to express our discontents.

The amendment that we now support seeks to reduce the whole year's remuneration of the Financial Secretary. This is only a rather mild method among all the means to express our discontent. Basically, we should ask him to step down and only this will be effective. However, we cannot directly ask him to step down in this amendment but can only seek to reduce his remuneration, as we are now discussing the amendments to the Budget. Hence, we feel that if Members — especially the pro-establishment camp — I also mentioned earlier that they always say his Budget is flawed in some areas. Some Members will also say that they will fight for universal retirement protection. Then we should convey a very clear message to the Financial Secretary: If he continues to remain entrenched in the position but does nothing useful, we will feel discontented and demand innovative thinking in the next budget. Chairman, we cannot wait for innovative thinking to be launched after one year. If innovative thinking is to be launched, it should be launched now. Why does innovative thinking have to be launched now? It is because departments have to discuss with the Financial Secretary about next year's financial provisions very soon. The summer holiday is about to start. If this kind of thinking remains unchanged as before after the summer holiday starts, there will be no room for discussion. That formula will repeat itself as before. That means even if there is an enormous surplus, the formula of non-recurrent expenditures will still be adopted. However, recurrent expenditures are not properly dealt with.

Finally, I would like to point out one thing, and that is the Financial Secretary is also derelict in consulting the Legislative Council. I remember that in the past, if the Legislative Council was to be consulted, it would be consulted much earlier. The consultation would start in about July, and might even in June. Come to think about this. The consultation on last year's Budget was done together with the policy address. In fact, when the consultation was done together with the policy address, Members would only discuss the policy address but not the Budget. Chairman, he is insincere. If he is insincere as such, does he not deserve to have his remuneration reduced? He is so lacking in sincerity in consultation. After delaying the matter for so long, he just consulted Members in a casual manner. Chairman, frankly speaking, when the Financial

Secretary consulted us, all things have already been decided. That so-called RAE or resource allocation exercise had already finished, and Members were only consulted afterwards in a casual manner. Would that be meaningful? Therefore, if it is necessary to conduct consultation, the consultation should start now. Hence, if it is necessary to change, the change should start now. The sooner the consultation, the sooner we can present views on the Budget next year.

I also hope that the Financial Secretary can break his golden rule and really increase the recurrent expenditures. Consultation is meaningful only in this way. If he follows his golden rule after we have expressed our request on how to use the expenditures, the amount of money will still be limited. If the amount of money is limited, it will not be able to meet our aspiration and will turn out to be meaningless at the end. Therefore, we hope that the amendments to the Budget can at least sent a clear message in this position to express that we are not contented with the work of the Financial Secretary, in particular, his intimidation of the public recently. He has not done what he should as a Financial Secretary, which is to apply for provisional appropriations, so that this Council will continue to have room to discuss the amendments. Now that you have to cut off the filibuster, we have lost even this room.

**MS CYD HO** (in Cantonese): Chairman, my speech will focus on the Financial Secretary and the Central Policy Unit (CPU), as this Financial Secretary and the organ have totally failed their duties. In fact, our Legislative Council has also failed. Members do not prepare speeches now. They just stand up and then debate, and the rules seem to be non-existent at all. However, we still have to try hard to observe the rules, in the hope that there are still some rules to follow in this world.

The public finance management policy of the Financial Secretary has all along been running against our needs. The problem of disparity between the rich and the poor that our society is now facing is actually attributed to dereliction of duty of the several Financial Secretaries of the Government of the Special Administrative Region (SAR) and the tilt to the business sector. Given the public finance management policy of the successive Financial Secretaries, no matter how much efforts the grassroots and the labour put into their work, under the suppression of consortia, they are unable to cope with the ever-rising monthly living expenses. In fact, when the Financial Secretary and the entire Government formulate policies, they have already created poverty to which they are just oblivious.

I now only focus on the policy of universal retirement protection. The Financial Secretary always mentions the policy-led approach. Who will formulate the policy? Policy formulation should be amenable to public opinions. I strongly believe that our many political parties will agree to setting up a comprehensive retirement protection system. This has been clearly put on the records of meetings on past debates. I also have confidence that if a referendum is conducted tomorrow, the majority public will support setting up a universal retirement protection system. If we uphold the policy-led approach, we should ask the Government to formulate some policies amenable to public opinions. Because that so-called pillar of the Mandatory Provident Fund System is actually very weak, unable to provide retirement protection to those women who provide labour at home but without earning any wages.

Therefore, first of all, I have to challenge the Financial Secretary. He proclaims adherence to the policy-led approach. But at the early stage of policymaking, he has already made a mistake. It is because he is oblivious to the needs of the public, he has been following the concepts of "miserly shopkeeper", "Mr Scrooge" passed down from old days to manage the finance of Hong Kong, and he totally lacks a direction. Moreover, in dealing with this argument, he has shown no political skills.

The CPU has been conducting not a few studies and collecting many data. We always say that the CPU should make the related information public. Because the CPU is not a tool of the party and it does not only serve the Chief Executive, the Financial Secretary and the Chief Secretary for Administration. The CPU is using public money and thus should serve the public. Hence, it should publicize the basic information obtained, so that members of the public can know whether the population of Hong Kong is decreasing or is it ever increasing due to the limitless admission of new immigrants? How should Hong Kong formulate its tax system? Through the policies of the SAR Government, the wealth of our society has already transferred to the hands of 1% of the population, and 99% of the population have lost support and protection as a result. The CPU has never made the data on these questions known to the public.

Local academics suggest setting up a seed fund of \$50 billion. The Government makes no response to it other than saying that the data used by the academics were incorrect. It, however, is unwilling to make its commutation results public, and this is totally irresponsible. Hence, since the CPU has already been downgraded to become the organization department, the propaganda

department, it should not use public money. Instead, this group of people should receive salaries from a certain political party or small circle of governance. If the CPU does not publicize its study information, it is only serving individual persons instead of the public. It is not in the position to use public money unless it changes its stance immediately and make its information obtained through spending of public money known to the public, so that local academics can also use this set of data to assess the feasibility of our suggested option of setting up a \$50 billion seed fund.

On the other hand, no matter which option, its viability will be determined by the population policy. If on the one hand, we use the existing population of 7.3 million people as the basis to introduce universal retirement protection, but on the other, the Government opens its doors wide and absorb immigrants without limit or conditions, even the seed fund of \$50 billion is viable at this moment, it will be non-viable in the future.

Hence, what we are talking about is the entire Government. However, the CPU and the Financial Secretary also have the basic responsibility to draw up an option together with the community. The public needs an option, while various political parties also say they need to fight for an option. We also do not approve of filibustering, as we know that in the two to three months' debate, the community may be unable to reach a comprehensive option or a few different choices for public consultation. That being said, the Government must move forward and make a response. The opponents of Mr John TSANG are not those four Members who propose to move 700-odd amendments. He has to open discussions with 7.3 million people. Nonetheless, all along, he has not responded to the aspiration of the community for universal retirement protection. In fact, the Administration has now appointed Dr CHOW Wing-sun to work on a study, and the timetable has already been set. Dr CHOW has access to the data from the CPU and his study will also be finished by the end of this year. So, it will be more than reasonable to make the data public immediately. Moreover, after the data is made public, academics from all sectors can study at the same time as Dr CHOW does the feasibility of different options. By the end of this year, when all the related studies have finished, there will be different options for public consultation in the community. This is entirely the most natural and reasonable development. In fact, this simply is what Mr LEUNG Kwok-hung advocates. He only asks the Government to provide a timetable and a roadmap. As a matter of fact, the timetable has already been written on the wall. It will be most natural and proper to provide the roadmap. However, this Government is now in an emotional dispute and only wants to maintain its so-called prestige in governance. The Financial Secretary is evasive of all those things that he should

do and all those questions that he should respond to the public. This behaviour is most childish. Because what John TSANG has to do should not be having a personal fight with the four Members through opinions voiced through the mass media and the blog. What he should do is to discharge his basic responsibility which is to expound to the Hong Kong people how the Government will implement universal retirement protection. However, he has used the most childish way to deal with it instead.

Chairman, you have called upon John TSANG to have discussions and negotiations with those few Members. Nevertheless, I can also imagine that in the course of closed-door discussions, he will only listen to the opinions and repeat his old remarks. This is the worst political skill indeed. If he can provide a timetable and a roadmap, even though he is unable to promise setting up the seed fund of \$50 billion, there is still room for discussion between the two parties. He should not have taken the present way of not even applying for provisional appropriations. This is what he can do, but he just refuses to do so. On the contrary, he deliberately digs a hole in the ground and let himself fall into it. Worse still, he has taken numerous recipients of government subsidies as hostages, saying that by June or July, the Government would have no money to spend. What he did has created a political fight entirely due to personal feelings, which may result in a social split. Therefore, he is totally derelict in his duties and should step down. Unfortunately, we can now only reprimand him by reducing his remuneration.

Chairman, I very much hope that our Council can work according to the rules and maintain the decorum by all means. Apart from filibustering, the Members concerned do not have other means. Of course, we also think that the method of filibustering does not work in the present situation. However, the Government's performance is even worse. We always say that the Senators in France once proposed 24 000 amendments. But the executive authorities were willing to sit down for negotiations with the minority opposition parties, and a three-win situation was finally attained: the executive authorities won, the legislature won and the general public also won. Nevertheless, our Financial Secretary's political skills are really worse and all parties will lose eventually. Worse still, even the Legislative Council is also directly or indirectly coping with the Government's timetable, forsaking our independent role of monitoring the executive authorities. This is the greatest misery in this loss suffered by Hong Kong, and also the very reason why I think that this Financial Secretary should step down.



**MR GARY FAN** (in Cantonese): Chairman, at the beginning of this year, Chief Executive LEUNG Chun-ying met with Members from various political parties and gauged their views on the policy address. He also met with Legislative Council Members including me who is a single-party person for views. Even though the meeting was just like an "eye catch", at least he had made that gesture.

Chairman, the Financial Secretary, Mr John TSANG, has not made that gesture. I do not know whether or not he has met with Members from other big political parties, but Members from small political parties like me stand no chance at all to express our views and propose specific recommendations on the Budget. For that reason, I cherish very much this opportunity to speak on the amendment to the Appropriation Bill 2013 proposed by me. Just now some Members who are present said that those who do not support "cutting off the filibuster" should leave. Sorry, because I have prepared a speech for the amendment, thus I am duty-bound to explain to the Government and the Financial Secretary the reasons for my proposing the amendment, as well as the argument and reasons for proposing the reduction of the allocation.

Chairman, just now I spoke for once on cutting the estimate for the South East New Territories (SENT) Landfill in Tseung Kwan O, now I am speaking for the second time, and this will be the last. Earlier I mentioned that over the past two decades or so, compared with other districts in Hong Kong, residents in Tseung Kwan O and the district itself have taken up a greater burden of the treatment of Hong Kong's Municipal Solid Waste (MSW) than other districts in Hong Kong. This is the heartfelt feeling of the residents in Tseung Kwan O. We hope the Government will close down the SENT Landfill as soon as possible, and we do not wish to see the extension of the Tseung Kwan O Landfill. I stress that the reason for the Neo Democrats to move the amendment to cut the proposed annual operational expenses for of the SENT Landfill is our hope that the Tseung Kwan O Landfill can complete its historical mission within this year and shut down.

Chairman, according to the reply from the Environment Bureau to my written question, the total quantity of waste disposed at all landfills and types of waste disposed at landfills this year would be similar to that of last year (2012). What does it mean? In other words, the total quantity of waste disposed at various landfills is about 5.07 million tonnes, in which MSW accounts for as high as 3.4 million tonnes, and construction waste accounts for 1.26 million tonnes, dewatered sludge accounts for 340 000 tonnes and other wastes account for

70 000 tonnes. In Hong Kong, an average of 14 000 tonnes of waste are dumped at landfills.

Chairman, Members, I understand that if this amendment is passed, the Tseung Kwan O Landfill will shut down by the end of this year. The SAR Government should think of ways to deal with waste to be disposed at the SENT Landfill in Tseung Kwan O and to make new arrangements. As I said just now, the Tseung Kwan O Landfill is receiving as much as 4 800 tonnes of MSW and special waste on a daily basis, which accounts for one third of the total MSW to be disposed at Hong Kong's landfills. Perhaps the Government may say that it is simply alarmist talk. If the amendment is passed, what should we do to deal with the garbage? Will there be trash everywhere in Hong Kong? Can Hong Kong deal with the issue of the disposal of MSW properly?

Chairman, if the Government speeds up the construction works of hardware and software which deal with waste disposal, in particular, accelerating the introduction of the producer responsibility scheme and enhancing all existing policies in a more aggressive way, that is, recovery and waste management at source, this will be enough to offset the some 4 800 tonnes of waste to be disposed daily at the landfill in Tseung Kwan O.

Chairman, the Secretary for the Environment indicated in January this year that the Government hoped to achieve the waste reduction target of reducing one third of waste in the coming 10 years by means of the hardware and software in waste disposal. The waste charging schemes in foreign countries are quite good as they could provide a financial incentive to reduce 20% to 30% of waste. The Secretary for the Environment also stated that we could make use of food waste recovered to produce compost or energy through waste-to-energy conversion. The two food waste treatment facilities in Siu Ho Wan (Lantau) and North District could handle 500 tonnes of food waste, in the next couple of years, at least 50 housing estates will treat food waste *in situ*, and the Food Wise Hong Kong Campaign promoted by the Government will also help to reduce a certain quantity of food waste.

Chairman, Taipei implemented the garbage bag levy in 2000, that is, a Taipei version of the quantity-based charging system. The domestic waste volume of Taipei dropped from 1.12 kg per capita per day in 2000 to 0.39 kg 10 years later (2010). In other words, it has been reduced by 60%, and the waste recovery rate has surged from 2.4% before the charge was imposed to the present 44%; the increase is rather extraordinary. If the SAR can speed up the

consultation on waste charging and accelerate the quantity-based charging scheme, I believe the decrease of domestic waste in Hong Kong would also be very significant, and MSW would be reduced by as much as 50%. Furthermore, the MSW to be disposed at landfills would be reduced from the current 9 315 tonnes to 4 650 tonnes, and the volume so reduced could offset the daily disposal of 4 800 tonnes of waste at the SENT Landfill.

Chairman, I have not counted the sludge treatment facility being constructed in Tuen Mun, due for completion by the end of this year. The facility will take the sludge currently absorbed by the Tseung Kwan O Landfill. If the Government can achieve waste reduction at source and do a good job of the waste treatment policy, as well as setting out a more aggressive waste reduction target and speeding up the construction and implementation of waste treatment hardware and software, I believe all the above measures could help us to reduce MSW by 50% or more, which is adequate to make up for the impact on Hong Kong caused by the SENT Landfill.

Chairman, I wish to reiterate that the amendment proposed by the Neo Democrats this time around is to cut the proposed annual operational expenses of the SENT Landfill. Our demand is very clear. We hope the Tseung Kwan O Landfill can complete its historical mission within this year, and the Government should provide an incentive to deal with the waste management policy in a better, quicker and timely manner and to set out a more aggressive waste reduction target. This will bring tremendous benefits to Hong Kong and the entire Tseung Kwan O community. I hope the Government will make an open pledge of setting down a timetable for shutting down the landfill; otherwise, in future, I will move an amendment in each session from now on to request the Government to shut down the SENT Landfill in Tseung Kwan O.

Chairman, I so submit.

**DR FERNANDO CHEUNG** (in Cantonese): Chairman, I speak certainly in support of the amendment proposed by Mr Gary FAN to reduce the operational expenses of the Environmental Protection Department in respect of the SENT Landfill — not just Southeastern New Territories, but also those in the New Territories as a whole as well as other districts, because the landfills have actually caused many nuisances and grave pollution problems to residents nearby.

However, my speech also pinpoints the Financial Secretary, the Secretary for Labour and Welfare as well as the Central Policy Unit, with the focus on elderly poverty, as well as the core controversy surrounding the filibuster that is going on, one concerning the fight for the implementation of universal retirement protection.

Chairman, the fact that I speak does not mean I agree with the ruling you made earlier. In my opinion, you have set an extremely bad precedent, which is beyond the power conferred by the Rules of Procedure on the President.

As regards elderly poverty in society nowadays, the Government does not have any effective policy to help elderly people maintain a basic living in a dignified manner. Given the wealth of Hong Kong, it is utterly unacceptable that there are still elderly people in society who have to make a living by collecting cardboards, or those aged 70 or above who have to work in taxing conditions. For example, we can always see minibus drivers who are old, or elderly people engaged in transportation, cleaning or even working in public lavatories. Why do they have to toil like that?

It has been clearly shown in the previous opinion polls conducted by community groups that a third of the elderly population in Hong Kong is poor, which is very rare for an advanced society. How do other places or countries prevent elderly poverty? The answer is actually as simple as setting up a universal retirement protection system to secure a basic living for the elderly.

What is available to Hong Kong people? Comprehensive Social Security Assistance (CSSA) is available in Hong Kong, subject to household-based asset assessment. If an elder lives with his family, then the whole family has to apply for CSSA before the elder can be provided with basic protection, which is ridiculous. The social security systems of other advanced societies are individual-based when it comes to asset assessment or application for protection. Household-based asset assessment is in a way forcing elderly people to live apart from family members, but this absolutely runs against the family-oriented value among traditional Chinese, as the Government always advocates. Even though an elder lives apart from family members, the latter still need to sign a "bad son statement" to show that their parents are not provided for, before that elder is eligible for CSSA application. Out of personal dignity, many elderly people and their families may not do so. Hence, although one third of the elderly population is poor, only less than half of them are actually CSSA recipients.

Apart from CSSA, there is also the "fruit grant". Even though the proposal of Donald TSANG to increase the "fruit grant" by hundreds of dollars is reluctantly taken into account, the current amount is just a bit more than \$1,000, which is by no means enough to support the living of an elderly person. Members concur that the "fruit grant" is a kind of society's reward for the elderly, rather than a system to support their living. Therefore, the "fruit grant" is not the retirement protection we have been fighting for over the years.

Chairman, I received education in Hong Kong in the early years to become a social worker, then proceeded to pursue studies on social welfare and began to keep a keen interest in the problem of poverty. I came back to Hong Kong by the end of 1996, noting that the Hong Kong society was generally rich but the problem of poverty had emerged. Given the wealth gap, some in society (including the elderly) had to face poverty.

Therefore, at that time, I joined hands with my teacher, Prof Henry MOK, a member of the Hong Kong Social Security Society, to put forward a specific proposal named "A proposal fighting for two-tier retirement protection". As early as 1997, we put forward such a specific proposal to the Government, and the proposal concerned later became the blueprint for the proposal on universal retirement protection in the community. In 2012, the Joint Alliance for Universal Retirement Protection (JAURP) put forward a proposal on universal pension and published a relevant consultation paper.

In the practical and realistic proposal we unequivocally put forward, all components of the Government's public expenditure dedicated to supporting the living of the elderly, including the "fruit grant", elderly CSSA and half of the contribution to Mandatory Provident Fund (MPF), were put together. Based on the estimate we made for the proposal at the time (not long after 1997), those three amounts combined was actually enough to translate into a monthly pension of \$2,500 for all aged 65 or above. As the population structure of Hong Kong at the time had yet to enter the so-called stage of ageing like today, pooling those amounts together was already enough to offer universal retirement protection. The proposal put forward by Prof Henry MOK and me has been subject to actuarial calculation, and the JAURP has invited university professors to help work out their proposal as well.

I once chaired a committee on social security under the Hong Kong Council of Social Service. In my view, universal retirement protection was the

key to social security, so a proposal was put forward in this respect, and Prof Beda CHAN of the Department of Statistics and Actuarial Science of the University of Hong Kong was invited to help with some calculations. Based on the population projection by the Census and Statistics Department, the proposal worked out the estimation for 50 years later. It was projected that the proposal was viable financially.

We very often hear remarks in this Council by senior government officials, including LEUNG Chun-ying, that universal retirement protection has huge financial implications and its viability remains to be seen. We put forward such a specific proposal more than 10 years ago, but they neither considered nor mentioned it. If government officials consider the proposals from the community unfeasible, erroneous and flawed in terms of calculation, may they please point them out directly. Yet, they do not dare to do so. They just keep resorting to the excuse that its financial viability remains to be seen. However, we have done all the calculations to show that the proposal is viable financially.

Chairman, let me do some computations of such "petty amounts" for you. Nowadays, there are a million elderly people aged 65 or above. If each of them is to receive \$3,000 a month, it will translate into a total annual expenditure of \$36 billion. The current government expenditure on the "fruit grant" and CSSA for the elderly amounts to \$20 billion in total; coupled with the \$6 billion or so spent on the recently introduced Old Age Living Allowance, the amount will exceed \$26 billion in total. If our proposal is adopted to dedicate half of the MPF contribution to the amount, an extra \$20 billion will be available, given the annual MPF contribution of \$40 billion a year. Hence, even if this retirement protection system is put into practice today, the amount of fund needed is actually set to be more than the expenditure involved.

The remaining balance from the initial stage of the proposal's implementation can be saved up to cope with the deficit that may arise from the ageing population in both medium and long terms. Nevertheless, our proposal has gone through actuarial valuation to show that the amount of fund is enough. However, as the Government had yet to put the plan into practice, the JAURP, in presenting its proposal in 2009, reckoned that a \$50 billion seed fund had to be set up and that the profits tax rate for enterprises earning more than \$10 million should be raised by 1.9%, before the proposal would become financially viable as a whole. All these projections were solid and well-grounded, and they were all

included in the consultation paper released by the JAURP for reference by the Government and the public.

The Government did not point out which part of our calculation was erroneous. Instead, it only engaged in empty talk, saying that it was unaware of that and the fund might not be enough. Yet, an internal study has been going on in the Central Policy Unit for more than a decade, but not even a single page of finding has been published so far. The Government has now commissioned Prof Nelson CHOW to conduct another study. It only engages in studies. After 10 or so years of studies, no result has come out of them. At the community level, the most practical and specific proposal has been put forward after careful calculation. The Government has not said that we are wrong, nor whether there is any problem with the data. It only says that it does not know how to handle the issue, and that the issue is controversial. So, opinion polls have been conducted in the community again.

Chairman, the latest opinion poll is conducted by the Centre for Social Policy Studies under the Department of Applied Social Sciences of The Hong Kong Polytechnic University. In this regard, I have to declare that I teach in that department, but I have neither involvement in nor knowledge of the study as a whole. According to the study report released in July 2012, among the 1 000 or so Hong Kong people randomly polled, 89.3% (or nearly 90%) agreed or strongly agreed to the setting up of a universal retirement protection system within the term of office of LEUNG Chun-ying. In a similar study conducted in 2010, 84.8% (or 85%) supported implementing such a system.

These community-based studies are well-grounded and reflect public opinions gauged by academic institutions through random sampling. In 2010, 85% supported implementing universal retirement protection; in 2012, the rate of support edged close to 90%. What constitutes a consensus in society? Does it mean 100%? Of course, it is impossible for us to achieve 100%. I have to admit that there are still people who oppose a universal retirement protection system nowadays, and there are even dissenting views in this Council apparently, but they constitute the minority. Those in the minority certainly have power and influence. They are those with vested interests, with a firm grip on powers. However, can they turn a blind eye to public opinions?

The community has seen so many efforts made. A specific proposal has been put forward and receives solid support from the public, but what has the

Government done? Why does the Government hitherto remain obstinate? It should at least provide a document outlining the findings of the studies. It is the Government who keeps delaying and filibustering. Years of delay would mean a toiling life for the elderly, who still have to make a living by collecting cardboards and who have neither money to see the doctor when they fall sick nor protection for their living. Is it not a shame to Hong Kong?

Hong Kong is an advanced society, but the Government keeps filibustering. It is evident that we have presented a good proposal. Even if the Government considers the proposal imperfect, it should take the initiative to engage in discussions to explore how to optimize its protection; or if the Government dislikes the term "universal", it may rename it as "comprehensive" retirement protection, which is also fine; or if the Government does not like copying from overseas systems, what improvement can be made with regard to the situation in Hong Kong? It is fine for the Government to engage in discussions in a reasonable and specific manner. However, it has remained silent and does not provide any data, only saying that studies will go on. Who is filibustering anyway?

Chairman, it is actually fine to cut the salaries of senior government officials, since they have not carried out the constitutional and social duties people have bestowed upon them. As for the problem of elderly poverty, they see but not heed, and they hear but not listen. Those in the community exert all efforts and take up the fight, as we do in the Council. Some Members resort to filibustering today as a way to contend, even though I personally disapprove of the means employed (*The buzzer sounded*) ..... I totally identify with the goal.

Thank you, Chairman.

**MR CHEUNG KWOK-CHE** (in Cantonese): Chairman, I now speak on the joint debate on head 91. But before I proceed further, I would like to state that I disagree with the ruling the Chairman made earlier about cutting off the filibuster.

It has been years since Matthew CHEUNG took the office of Secretary for Labour and Welfare. Nevertheless, problems keep arising across numerous services. For example, the waiting time for a place at residential care homes for persons with disabilities and the elderly is extremely long. Some need to wait as many as 10 years, and some elderly people may pass away before their turn.



Numerous services encounter difficulties in site location. For example, as regards the District Support Centres for Persons with Disabilities, one or two of them have yet to find permanent homes. The case is even worse for the Integrated Community Centres for Mental Wellness, with half of the 24 centres still without their permanent homes. At the same time, it has been challenging for the sector to recruit professionals, including nurses (especially psychiatric nurses), physiotherapists and occupational therapists. Furthermore, with the introduction of minimum wage, it is also difficult for us to recruit supporting staff. Problems like these, as we conclude, can be ascribed to Matthew CHEUNG being reluctant to carry out welfare planning for the long term. As a result, when money is available, manpower is not; and when manpower is available, sites are not. These are all blunders in planning. However, they are no comparison to the catastrophic impact the change made to the grant system has inflicted on the sector as a whole.

When it comes to the grant system, I must say a few words on what the grant system was like in our sector before 2000. The system concerned, euphemistically speaking, ran on an accountable basis. How did such a system work? Under the system, the Government would reach an agreement with non-governmental organizations (NGO) over the staff establishment for various services. The staff establishment for different services varied, encompassing social workers, nurses, occupational therapists, physiotherapists, supporting staff (including carers, clerical staff and non-professional programme workers), and so on. At that time, we had a clear staff establishment. NGOs had to recruit staff in accordance with the establishment and then obtained confirmation from the Social Welfare Department. Deviation from the related establishment would see the potential recruitment rejected. This was very clear.

The staff establishment carried a pay structure for various ranks. In other words, the starting as well as maximum pay points for a social worker with a university degree or one with an associate degree on the Government's Master Pay Scale were clearly shown. At that time, if we knew the year of graduation of a colleague who had been in the sector all along, we could know how much he was earning based on his length of service. This indicates that the length of service was recognized at the time. A full year of service would translate into a one-point climb on the pay scale. If staff members switched from one NGO to another, their length of service would still be recognized and carried over to another NGO. In other words, colleagues might have a clear idea of how much they should earn based on their length of service since graduation.

There were also restrictions on promotion. Colleagues might have a rough idea of how long they had to work before a possible promotion. But after 2000 .....

**CHAIRMAN** (in Cantonese): Mr CHEUNG, please hold on. I would like you to state clearly again what you are speaking on. I am not sure if I caught the head you mentioned wrong.

**MR CHEUNG KWOK-CHE** (in Cantonese): It is head 91, joint debate.

**CHAIRMAN** (in Cantonese): Do you mean the 91st joint debate?

**MR CHEUNG KWOK-CHE** (in Cantonese): Yes, it is the 91st joint debate, which is about the cutting of the estimated expenditure for the annual payroll of the Secretary for Labour and Welfare.

**CHAIRMAN** (in Cantonese): It is clear now.

**MR CHEUNG KWOK-CHE** (in Cantonese): The Secretary for Labour and Welfare oversees social welfare affairs as a whole, but he fails to meet the various welfare needs I mentioned earlier. I mentioned another key point just now, that is, the grant system.

As I said just now, the system which ran on an accountable basis prior to 2000 had been running smoothly. Colleagues would offer opinions surrounding their professions and provide professional services. There was not much staff dispute nor salary differential within the sector. However, in 2000, the Government introduced the Lump Sum Grant system.

The Lump Sum Grant system, euphemistically speaking, means the Government allows NGOs to do their own calculations. That is, each unit may, according to its own staff establishment, work out the amount of Lump Sum Grant needed by multiplying the median pay of all staff ranks within it by the

number of staff members. If an NGO consists of a lot of units, the Government will group the amount of grants available for each unit into a lump sum to be granted to the NGO concerned.

After the Government has made the grant to an NGO, the latter will be allowed flexibility. In the past, when we said that an NGO hoped to enjoy flexibility, we meant that if no one was suitable for a certain post, could it be replaced by a staff member of another post through some alternative arrangements? That was the type of question we asked then. However, since the implementation of the Lump Sum Grant system, an NGO enjoys basically full flexibility. What does that mean? An NGO may delink the salary of a colleague with the established pay structure, reduce the manpower ratio, and stop recognizing the length of service when necessary.

Under the system, what is the only kind of "homework" that an NGO needs to hand in to the Government? It only needs to provide figures for all service units as required under the Funding and Service Agreement. We believe that it is not difficult to provide such figures, since they are no more than membership count of centres, number of services, groups and cases for every year, and so on. However, such figures do not reflect quality. They are all figures which are quantifiable.

The Funding and Service Agreement only requires each unit to recruit social workers, but the number to be recruited is not specified. Hence, some said jokingly that a unit may only recruit one non-degree social worker, while other posts are to be filled up by non-professionals. As long as figures are provided, the unit concerned has got the job done.

What problem does it give rise to? As regards staff establishment that I said earlier, the biggest problem nowadays is a lack of clear staff establishment. Thus, an NGO may reduce as much as possible or simply avoid the recruitment of staff with university qualification to save costs. In addition, by delinking the pay structure with the Government's Master Pay Scale, an NGO does not need to pay salaries according to the starting pay points recognized by the Government. Since what staff members earn may be a few points below the starting point, the NGO concerned is able to save a lot of costs.

In fact, what is the point of cost saving? As we all know, the Government restricts the amount of reserve that can be held by an NGO, not exceeding 25% of

the annual total grant. Chairman, I would like to tell you that the aggregate amount of surplus or reserve held by all NGOs now exceeds \$2.5 billion, while the Government offers them a total grant of around \$10 billion a year. In other words, the amount of reserve held by most NGOs has reached a critical threshold.

I recently heard that since the reserve held by several NGO exceeds 25% of the grant, they are required to refund the balance to the Government in case of surplus. Such a phenomenon has lasted for nearly two years. I cannot help asking why NGOs have to squeeze staff emoluments or cut staff size. The money saved falls into the Government's pocket but not theirs. What is the point? In fact, this is a reflection of the sheer imperfection of the system.

Furthermore, after 2000, when our colleagues change jobs, their length of service is probably not recognized. What does "probably" mean? That is, a year of working experience may not be counted as one year of service. Perhaps three years of experience is counted as one year of service, or five years as one for some. If a colleague keeps changing jobs, his salary may remain unchanged or run two or three points below the starting point to which he was entitled in the past after changing 10 jobs. We can see that even if colleagues have worked for 12 years, their salaries are still below the median pay levels for their ranks. In other words, many NGOs are squeezing professional and non-professional colleagues out of market-oriented considerations, so their overall reserve stands at \$2.5 billion as a result.

Chairman, another instance of unfairness to be faulted is the method of making Mandatory Provident Fund (MPF) contribution. Prior to 2000, the provident fund benefits for our colleagues were calculated at the rates of 5%, 10% and 15%. In other words, if a staff member had worked for zero to 10 years, the NGO would need to make a 5% provident fund contribution, 10% for 10 to 15 years, and 15% for more than 15 years. The progressive rates not only managed to encourage more talents to stay in the sector, but also offer them strong retirement protection.

In 2000, the Government said that based on the provident fund contribution made at the time, the average contribution rate for the sector was 6.8%, so grants were given to NGO at the rate of 6.8%, claiming that NGOs could make use of the grants to achieve the effect of progressive contribution spanning 5%, 10% and 15%. Nevertheless, over the past 12 years of operation in the sector, no NGO made provident fund contributions at the rates of 5%, 10% and 15%. Most of them made contributions as required under MPF, that is, a staff member made a

5% contribution whereas the NGO made another 5% contribution for him. At present, the provident fund accounts of all NGOs record a surplus in excess of \$600 million in total. I wish to point out that the Government has stated clearly that NGOs cannot use the surplus to meet recurrent expenditure, so they may not take the money as their own, whereas colleagues are denied the retirement contribution to which they are entitled. After 20 or 30 years, when colleagues retire, they will have only a small amount of pension left. Why? Because the Government (especially Matthew CHEUNG) has not in any way overseen how NGOs make use of the Lump Sum Grant provided, or whether the grant has been reasonably and fairly utilized.

Over the past 12 years, colleagues have suffered many miseries. We always say that colleagues have to "complete two logbooks": one is on how to meet the requirements under the Funding and Service Agreement, and the other is on how an NGO makes money through various services. Under this circumstance, I cannot see how colleagues could spare any more thoughts on our profession, since the NGOs *per se* deal with their relationship with colleagues in an unrighteous and unreasonable manner.

Chairman, given the time constraint, I have to stop here. If time allows later on, I will move on to illustrate what impact the tendering system has inflicted on the welfare system as a whole. Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, that I stay here does not mean I agree with your ruling. I am going to speak on behalf of those Members who protest against you, like Mr WONG Yuk-man and Mr Albert CHAN. Whether my remarks are pleasing to Members or not, it is purely my personal view. I state unequivocally here that I cast humiliation aside in order to make the case clear, and refute Members from the pro-establishment camp who chide us.

I will speak on the 91st, 98th and 105th joint debates, that is about the Labour and Welfare Bureau, Office of the Chief Secretary for Administration, and the K C CHAN-led bureau on finance ..... I have forgotten what the bureau is called.

**CHAIRMAN** (in Cantonese): The Financial Services and the Treasury Bureau.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. Chairman, "lack of consensus" is only their excuse. They have stated on relevant occasions that there is no consensus on universal retirement protection. Frankly speaking, does any archived document of this Council show that Members have reached a consensus on this? With three government departments not doing any study, how can they come to the hasty conclusion that there is no consensus? Let me cite an example. A discussion on the Old Age Pension Scheme (OPS) took place on 9 November 1994, when the Chairman was not yet a Member of the then Legislative Council, while Mr TAM Yiu-chung was.

He remarked, "This is the third time, since I joined this Council in 1985, that I move a motion relating to retirement protection." It was awesome that the motion was moved for the third time, do you think so? In moving the motion for the third time, he said impatiently, "The DAB is of the view that the Government should inject \$10 billion to launch the OPS. Certainly, this would be a gesture to indicate its willingness to assume the necessary financial responsibility, however, this is not enough. For the OPS to be viable and for obtaining more support from the community, the Government, the employers, and the employees should jointly contribute [the monthly] to the OPS at the rates of 2.5%, 1.5% and 1% of the monthly salary respectively. Contributions from employees earning less than \$6,000 a month should be exempted." That was what he suggested.

Then, to show that the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and the Hong Kong Federation of Trade Unions (FTU) were not as royalist as described by others, he remarked, "Mr President, the 'cover-for-the-elderly' comprehensive proposal put forward by the DAB and the HKFTU is the best scheme in making provisions for the elderly after their retirement. The proposal was endorsed and highly applauded by Prof N W S CHOW, who was among the 78 scholars who jointly signed an opposition to the Government's OPS." I would not quote too much of what he went on to say, except the following, "On the other hand, a 'pay-as-you-go' old age pension scheme can give full play to the spirit of a collective social safety net" — which is what I advocate today — "This scheme can immediately ease the various degrees of economic difficulties which 600 000 old people of over 65 find themselves in, and prepare Hong Kong for an ageing population."

The remarks that he made in 1994 were sharp and forceful, really marvellous. He is not present now, so he does not know I have quoted his

remarks, which should have embarrassed him. There was also a pro-establishment camp for the British Hong Kong Government at the time. If he says there is no consensus now, he will be blamed for sure. From his point of view at the time, what if the OPS could not be introduced? He said, "We think the Government should, before implementing the OPS, increase the present CSSA payment to 30% of the medium wage, that is, \$2,300. At the moment, ..... relax the qualifications for application and simplify the relevant application procedures so that the CSSA scheme may benefit more elderly people having financial difficulties and enable them to spend their later years in dignity."

Mr TAM Yiu-chung made it very clear then that as long as the scheme was not introduced, cash handouts should be made. At that time, 30% of the median wage amounted to \$2,300. Chairman, the current amount of median wage is \$4,030. I have exhausted all my words here as if blood flew from my teeth, and embraced all kinds of insult, attack (攻訐)<sup>1</sup> and swearing, in order to fight for what should be .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, the character "訐" should be pronounced as "kit3".

**MR LEUNG KWOK-HUNG** (in Cantonese): Fine, attack (攻訐)<sup>2</sup>.

May Members decide if justice prevails under the sun. Those are the remarks he made in 1994. At that time, he told the British Hong Kong Government that the scheme could be implemented. When both the British Hong Kong Government and the Mainland Authorities said no to this for fear of the reserve being exhausted, CHEN Zuor advanced the argument of "getting killed in a car crash". How much reserve did the Government hold then? Chairman, the Government held a reserve of \$103 billion, *vis-à-vis* \$3 trillion at present. I swear! Do you all not subscribe to reasonable discussions or resort to reasons? Could you please explain it? A convincing explanation will do. What you all fought for is precisely part of the consensus I fight for today. Mr

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<sup>1</sup> The Chinese term for the word "attack" used here is "攻訐". It should be pronounced as "gung1 kit3", but Mr LEUNG Kwok-hung mispronounced it as "gung1 gaan1".

<sup>2</sup> Mr LEUNG Kwok-hung pronounced the term correctly as "gung1 kit3".

TAM Yiu-chung represented both the DAB and the FTU — he also represented the FTU previously — what a pity that he once chaired the Elderly Commission specially set up by TUNG Chee-hwa and held on to power for 19 years. I hold up the gate for the implementation of universal retirement protection, but today he asks why I have to do so, hoping to kick me out and have the gate shut.

A responsible political party should of course keep the fight on. Mr CHAN Kam-lam of the DAB revisited the issue in a meeting of the Provisional Legislative Council. I will not quote too much of what he said. He also moved a motion on the establishment of dual social security systems. He remarked that although the Mandatory Provident Fund (MPF) scheme might provide some kind of retirement protection for those earning medium-level income or above, it did not in any way help those about to retire, 800 000 elderly people, 600 000 housewives, 400 000 persons with disabilities or chronically ill patients, as well as 1.5 million low-income persons. His speech was nothing but sharp and forceful. Then, he called for the establishment of "dual social security" systems, saying that "with the first tier being a Pay-as-you-go social insurance scheme, that is, the 'Old Age Pension'" — which is what I advocate at present — "and the second tier being a private contributory mandatory fund scheme, that is, the 'mandatory provident fund'. In our opinion, the two systems should be able to complement each other when they are implemented simultaneously." The situation was like that of today, where there is MPF, as well as universal retirement protection, which I am fighting for and they once proposed. Mr CHAN went on, "Anyone aged 65 will be eligible to obtain a social insurance payment equivalent to a third of the median pay for Hong Kong employees at the time every month until death, without any need to accumulate decades of contribution." Buddy, as I put it earlier, 30% of the current median pay is \$4,030, and a third of it should at least amount to \$4,300, right? This is what they proposed, but never what I push for. At one time, I staged a demonstration outside the then Legislative Council Building and was driven away by security officers. I was also taken away from the public gallery there on another occasion.

In addition, interestingly, 12 years ago, a Member named Jasper TSANG offered some gem of wisdom on behalf of the DAB. I definitely need to read it out slowly. He remarked, "One fourth of the poor population in Hong Kong is over the age of 65. Under the existing Comprehensive Social Security Assistance (CSSA) Scheme, the total assets value of an applicant is subject to rather stringent restrictions. For many elderly people, they can only save several tens of thousand dollars in their whole lives. However, this sum of money is not



intended to be spent for there is no universal retirement protection system in Hong Kong. Though it may sound somewhat offensive, this sum of money is considered by many elderly people as the last stakes saved for their funeral and they dare not spend even a cent of it. However, it is precisely because of these savings that they lose the eligibility to apply for CSSA. They are not given any assistance even though they have no family support and no income. It is also for this reason that the DAB proposed the setting up of an elderly livelihood subsidy scheme as a supplement to the CSSA Scheme. Although the amount of money receivable by the elderly applicants under the subsidy scheme will probably be lower than that granted under the CSSA Scheme," — what happened to you? — "the requirements imposed by the former can be relaxed correspondingly." — Proposing a subsidy of a lower amount than CSSA? You got it so wrong! — "As a result, even elderly people who are caught in the middle can be provided with support." — Please note what he solemnly pledged 12 years ago — "I have to take this opportunity to reiterate that a comprehensive universal elderly retirement protection scheme is essential to Hong Kong in the long run." You could not help keeping the argument going by pointing out that Hong Kong was indeed affluent. You remarked, "It was pointed out by a colleague earlier that, according to a survey conducted by the World Bank, among the Asian economies emerging at the end of the last century, Hong Kong comes in number one in terms of the disparity between the rich and the poor. There is nothing we should feel proud of this dominant position." Although each of the words was sharp and forceful, the Gini Coefficient of Hong Kong has risen from 0.44 after the time you spoke to the current level of 0.538.

Chairman, I find it weird. Over the past 19 years, the DAB and the FTU often chanted "we serve you" during election campaigns. Every time a vote was taken in this Council, sometimes even on motions moved by him, he would ask others to vote for him. Buddy, what kind of person is it? If I am all evil, they must be prostitutes and thieves then. Buddy, there is also a person named Paul CHAN, whose stuff I will read out next time. This Paul CHAN is now a Director of Bureau. On 19 January 2011, as a "fan of LEUNG", he left no stone unturned against Donald TSANG. As for this person, who once had an opportunity to serve as Deputy Financial Secretary and is now a Director of Bureau, I will make him explain his ideas to Hong Kong people later on.

Today, I have been questioned on why I filibuster ..... Mr TAM Yiu-chung has just come back. He pretends to be not hearing me. He has talked about it for 19 years, claiming that he has fought for it for decades. Had

he fought for it for decades 19 years ago? What a joke! When will he have the promise honoured? Should he return the votes he obtained? My mother always praised Mr TAM for his good character and asked me to support him rather than blame him. She has passed away for a decade. Will the FTU burn any offering to her after it succeeds in its fight? One has to live with a sense of shame. They themselves were key advocates pushing for the introduction of universal retirement protection during the British Hong Kong Government era. But nowadays, under the reign of the SAR Government, they have gradually retracted.

As for Paul CHAN, I really find him detestable. I will talk about it next time. He is really infuriating. Chairman, on 19 January 2011, he made some remarks on "Reviewing public finances policies", a motion moved by him. He gave a detailed account of why universal retirement protection was needed, and rebuffed that the Government was telling a lie in claiming that money was unavailable. Two years on, has he got a "changed butt" or "changed brain"? That is what he said. When I gave him a phone call, he was in Singapore. I said that his speech would be sent to John TSANG, and he told me not to make a fool of him.

Chairman, I am here to cast all humiliation aside with a view to making the case clear. I will speak later on. Thank you, Chairman.

**MR ALBERT HO** (in Cantonese): Chairman, I know that according to the Rules of Procedure, Members do not have the right to challenge your ruling here, but I believe you will still allow me to make a couple of remarks. Earlier on, a number of Members from the pan-democratic camp clearly stated outside the Chamber their dissatisfaction with the unacceptable ruling made by you this morning. I just wish to point out that your ruling has at least affected our allocation of the time for debate. Chairman, if you had long considered that it was impossible for any debate to go on indefinitely and intended to set a time limit, at least you should have made such a plan, handled it accordingly and informed us of it earlier, so that we would not have to focus our debate in the initial period on only about 10 of the 100-odd debates grouped by you. Hence, the sudden decision made by you this morning to end the whole debate shortly within a day has knocked the time allocation for the whole debate in an extreme imbalance.

I hope Members will notice that this debate is rather unhealthy and has seriously disrupted our plan. I also think that the Chairman might have suddenly changed his mind only in these past two days and had to throw away the whole Script which had been prepared earlier into the rubbish bin. If the Chairman acted in such a way only due to pressure, that can really be deemed as a misfortune to the Legislative Council. That is also a big humiliation in respect of the powers and functions which should be exercised by the President of the Legislative Council.

In such compressed debating time today, I can only focus my speech on why there is a need to cut the emoluments for the Financial Secretary. Among the Financial Secretary's duties, there is a lot of business which is not decided by him alone. Instead, he is provided with assistance from several Directors of Bureaux. However, much of his performance as the Financial Secretary, the most senior leading official who co-ordinates the affairs under his brief, has deeply disappointed us.

Many people have criticized him for sticking to the old rut and holding a sinecure, for he has not even performed the basic work well. A regular point of discussion in society is whether he, being the highest-ranking official responsible for financial and monetary policies, is able to stabilize the financial system properly, as well as review those policies which are treated as golden rules but were formulated decades ago, with vision and courage which he at least should show in response to changes in time and environment. One of them is the linked exchange rate. All along, the Financial Secretary has preferred us not to touch this policy and even considered that mere discussion in the Legislative Council would have an impact on financial stability. For this reason, many people have joked that the Financial Secretary's post is really an easy job. As such, why does he deserve such a high salary?

First of all, since the implementation of the linked exchange rate, there has been no monetary policy or interest rate policy at all. The Administration simply ties up its hands and follows the policies of the Federal Reserve of the United States. Such a situation has given rise to lots of problems, such as the numerous issues resulting from the current quantitative easing policy of the United States, as well as the corresponding depreciation of the Hong Kong dollar against various foreign currencies owing to the previous depreciation of the US dollar, which has imposed an enormous burden on many people, especially those who need to support children who are studying abroad. We have asked time and again whether there is room for review. Is it necessary to work in absolute

compliance with the rules formulated in the past and enforce the US dollar peg in such a way with no room for discussion? All along, the reply received by us is that it cannot be discussed and will not be changed. The relevant policy has been proven.

However, Joseph YAM, former Chief Executive of the Hong Kong Monetary Authority, told us shortly after his retirement that discussions and review should be conducted on this matter. Hence, having served as the Financial Secretary for years, is John TSANG still going to hold such an attitude? If so, I will truly regard him as sticking to the old rut and having committed dereliction of duty.

With such a huge fiscal reserve and an Exchange Fund surplus of more than \$1,300 billion today, coupled with an extremely low unemployment rate, the Financial Secretary has really got an easy job. Anyone who holds this post simply cannot help smile. He can ponder over this in comfort — actually not in comfort, but with much room. I should not use the word "comfort", though John TSANG is indeed in great comfort now. In such good circumstances, a responsible, discerning and courageous Financial Secretary with insight should think about how we can make good use of the funds in our possession to make long-term social investments. However, he absolutely has not done so. He has not even done the basic homework properly.

He has held the post of Financial Secretary for years, but over the years, he always overestimated the expenditure and underestimated the revenue, resulting in wrong estimation of surplus amounting to \$300 billion in the past six years, yet Hong Kong still faces plenty of problems which cannot be solved. Regarding these problems, a lot of social disputes and conflicts can be reduced as long as the Government is willing to invest and spend money. Hence, his miserly policy, together with his slothful mentality, has indeed wasted many people's time, ruining their good chances and youthful years, as well as costing Hong Kong the opportunity to make further development and enhance its competitiveness.

If the Government can make better use of its fiscal income, we would not have to insist that it drastically revise the long-standing policy under which the amount of resources used as public expenditure shall not exceed 20% of the overall GDP. Provided that the Government can make good use of the fiscal reserve, coupled with the hefty surplus which, as we have seen, has been recorded in the Exchange Fund or the land reserve long term, by merely using its five-year

average like 20% or 30% as a stable fiscal income, a few more tens of billion dollars will be readily available for our use. Why did the Government not optimize the use of such strong financial strength to build up a sound foundation for Hong Kong and make long-term investments so that our next generation will receive better education and have higher competitiveness? This is really puzzling to us. I can only say that the Financial Secretary has not "got his job done" at all.

Another point in the whole Budget is even more puzzling. As we know, nowadays, Hong Kong is facing one problem. If we look further ahead, we will know that an ageing problem will emerge in Hong Kong's population in the next 20 to 30 years. In fact, the Government has presented various figures for illustration from time to time, but a more comprehensive population policy is nowhere to be seen. The population policy is supposed to be the Financial Secretary's responsibility. Why has he not done this task properly? In respect of the level of ageing of the future population, in 2011, the number of people aged above 65 will be 940 000, accounting for 13.4% of the total population; and 30 years later, in 2041, the number of people aged above 65 will reach 2.56 million, accounting for 30.3% of the total population. It is thus evident that the young working population will have a heavy burden in supporting the elderly. Therefore, it is most imperative to formulate a more comprehensive population policy.

We need to study these questions. What immigration policy do we have in place, or is there a better and more thorough policy on accepting people from outside the territory who desire to settle in Hong Kong? Is the existing policy too narrow that it should be reviewed and revised? Do we have any policy that can encourage increase in the local birth rate? Is there any incentive to encourage local families to consider giving birth to more children? Besides, there is the retirement issue. Do we need to consider extending the working age as expected by the community in general? In other words, can the retirement age at least be extended progressively in government and public sector bodies?

This task has been studied in many countries, but we have neither raised it nor conducted any study. This is a big problem. Moreover, we should introduce legislation to eliminate age discrimination with a view to helping more people with working ability and in good health, so that they will not be subject to discrimination because of old age. These are important tasks. Therefore, firstly, with regard to the population policy, it should be his duty as the Financial

Secretary to oversee this policy and lead the departments under him to conduct an integrated study, but he has not done so. Of course, LEUNG Chun-ying also needs to take responsibility for this, which is beyond any doubt.

Secondly, apart from the several issues mentioned just now, population ageing has also brought forth certain problems which the community must face. First, a considerable amount of money will have to be allocated in the future as expenditure on looking after the health of the elderly. Hence, is there a need to carry out certain adjustments and studies concerning healthcare service or medical education in the future? Facing the future problem of population ageing, how can we train more geriatric healthcare personnel and provide additional facilities on this front to meet the needs of the elderly? Secondly, many elderly people are in poor health but their families are unable to look after them. This concerns the problem of residential care places or day care centres for the elderly. We already talked a lot about it last time, so I am not going to repeat it today. Yet this is also a very important point.

In this regard, the Government's existing policy is to procrastinate. Every time we mention that the elderly need to wait two to three years to be allocated a residential care place, the Administration would respond that several hundred additional places have been provided this year, and a pilot policy on community care service vouchers for the elderly has been introduced recently, saying that the "money-follows-the-user" approach has been adopted, and that \$3,800 billion has been allocated, solely playing with figures. However, if we take a closer look, we would find that the trial period of the whole policy is four years. Only 1 200 service vouchers will be issued within two years in the first phase, and the value of each service voucher is merely \$5,000. The Administration is going to waste two years on implementing such a small-scale pilot scheme. May I ask, how many elderly people on the waiting list for residential care places will pass away owing to lack of proper care during this two-year period? This is utterly frustrating. Why does the whole Hong Kong Government ignore the needs of the elderly in such a way?

We have already talked a lot about retirement protection which is also one of the major topics in this filibuster, yet the Government has been letting time slip without achieving anything. This issue has been under discussion for years, but the Administration remains reluctant to publish the study which the Central Policy Unit (CPU) has already completed. It just keeps stalling by saying that there have been changes over time or the circumstances have changed since the

onslaught of the financial turmoil. However, many of the base numbers and research methodologies should actually be made public to allow more discussions. The conclusion may be adjusted in the light of changes in the circumstances, but there cannot be a lack of thorough, structured and in-depth discussions. Has the Government fulfilled its most basic duty after all? What grounds does the CPU have in hiding all the information and refraining from making it public?

Of course, Members are also furious at certain issues of long-term investment such as education. The problem of education alone, I believe, will be sufficient for me to speak for 15 minutes more. Nevertheless, the few points mentioned alone (*The buzzer sounded*) ..... already justify reduction of the emoluments for the Financial Secretary.

**DR HELENA WONG** (in Cantonese): Chairman, the Democratic Party does not support filibustering on the Budget, but neither do we support your sudden act to cut off the filibuster this morning, because it was not until this morning that you and Members discussed cutting off the filibuster, yet after the meeting, you suddenly declared that as a decision, though you still had not issued any written explanation. You might have got a script on hand, but when you had the meeting with Legislative Council Members this morning, at least you should have circulated this document so that we could have time to digest it and prepare for our next round of debate. Chairman, I know that now we have no chance to challenge your decision here, but we still object to this ruling made by you.

Chairman, what I would like to talk about today is the amendment which I originally wished to propose to the Budget, but I later withdrew it. Nevertheless, it has been my plan to speak on this amendment which requests to deduct the funding for the Central Policy Unit (CPU) and one year's salary of the Head of the CPU. Chairman, regarding the issue of education, I will still have the chance to speak again later. Today my purpose is not to filibuster. Yet I would also like to tell you that among the academics in the eight universities, 424 scholars with different institutional background, as well as 17 education and human rights organizations and education concern groups, have jointly signed a letter in the past few months to oppose the CPU's withdrawal of an annual funding of \$20 million granted to the Research Grants Council (RGC) under the University Grants Committee (UGC), which had been responsible for vetting the funding applications. The funding was available for applications by academics in the tertiary institutions to conduct research on public policies.

Chairman, we have convened a hearing for this matter. We have also met with the persons-in-charge of the CPU and people from the RGC. On one occasion, we strongly objected to the CPU suddenly committing such an act without consultation. Chairman, of course you would say, the annual funding of \$20 million accounts for only a small percentage of the whole Budget, but this approach has been adopted since the 2005 Policy Address. Having been extended several times, funding approved under this scheme has already reached the year 2015. However, after SHIU Sin-por assumed office in the CPU, the current-term Government under LEUNG Chun-ying suddenly made a unilateral announcement between November and December 2012 to withdraw this \$20 million funding in the coming year, dispensing with the need for the RGC to do the vetting and approval work. The Administration would not even loosen its grip on this \$20 million, causing immense discontent among many scholars. What is the reason? The reason is, despite the fact that the annual funding of \$20 million is paid by the CPU since 2005, at the very beginning when the Legislative Council endorsed the use of the funding, our understanding was that the endorsement was not for the CPU to handle this \$20 million funding. Instead, it was left to the RGC, which we believed to be, comparatively speaking, more professional, independent, free from political intervention and capable of making professional decisions, to be responsible for vetting and approval.

We know that each Policy Bureau in the Government has its research funding for the conduct of policy research. The CPU also has an independent vote to carry out its research projects. However, when it was decided in TUNG Chee-hwa's era to make this \$20 million provision, and the decision on funding approval was not vested with the CPU. Instead, the vetting and approval work was handed to the RGC at that time on the grounds of encouraging more scholars in the eight major tertiary institutions to engage in research relating to local public policies. It was also hoped that their horizons would be broadened. That means it would enable the academics to make use of their professional knowledge and judgment to conduct research of greater depths on policies which were the concerns in Hong Kong or which had an impact on the long-term development of Hong Kong. Yet this kind of research would not interfere with or hinder the research projects which the Policy Bureaux of the Government and the CPU had launched on their own. Regarding this funding which has been approved and extended to the year 2015, why did the Government suddenly go back on its word, in that the CPU unilaterally withdrew this \$20 million for its own handling without the consent of the Council?



In my opinion, the justification put forward by the CPU was neither sufficient nor convincing. The explanation given by Mr SHIU Sin-por at that time was that it was because LEUNG Chun-ying's Government would like to see the results of policy research as soon as possible. They wished that some research could be completed expeditiously so that the Government could follow up in its policies. However, from this point alone, we have observed violation of the original objective of the research scheme which has been put in place since 2005. During the course of implementation, there had been some changes in the research scheme. Eventually, this \$20 million funding was to be utilized in the following way: half of it, that means \$10 million, would be used without any time constraint to conduct more far-sighted policy research of a longer term. It was even allowed to make a five-year .....

(Mr LEUNG Kwok-hung stood up)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): I request you to do a headcount according to Rule 17(3) of the Rules of Procedure.

**CHAIRMAN** (in Cantonese): Dr WONG, please sit down first. Will the Clerk please ring the bell to summon Members back to the Chamber.

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

**CHAIRMAN** (in Cantonese): Dr Helena WONG, please continue.

**DR HELENA WONG** (in Cantonese): Chairman, my speech just now requested to reduce and cut the salary of the Head of the CPU and its departmental expenses. Just now we pointed out that a total of 424 scholars from the eight major tertiary institutions had unanimously requested SHIU Sin-por, the Head of the CPU, to withdraw his unreasonable decision. Since 2005, the annual research funding of \$20 million had been allocated to the RGC under the UGC,

which was responsible for processing research fund applications made by academics in the eight tertiary institutions, but now the decision is that the CPU will take charge of the vetting and approval work for the research funding.

(THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

Deputy Chairman, let me declare that I am a lecturer of The Polytechnic University. I have never applied for the relevant research funding, and I do not intend to apply for any. Nevertheless, many scholars have conveyed to me their discontent. The funding was merely \$20 million a year. The scholars opined that without consulting the Legislative Council and the academics in the universities, the Government unilaterally announced the decision with a justification which was terribly insufficient. As mentioned by SHIU Sin-por, since the Government hoped that the relevant research on public policies would be "swift, smart and swell", he preferred the research work to be completed expeditiously with the research report becoming available in about three to 12 months so that the report could serve as reference for the Government in improving its administration.

Members here may not yet be clear about the changes in the \$20 million research funding. Actually, in 2008, the CPU and the community began to discuss how to optimize the use of the \$20 million research funding. One decision made at the time was that from 2008 onwards, the annual funding of \$20 million would be divided into two parts. One part being \$10 million would be for indefinite, short-term or long-term research with no restriction on the research topic which was open to the academics to decide. The other \$10 million had taken care of certain considerations of the Government. There might be some special items or subjects which the Government would like scholars in the academic sector to study, or the Government did not want the public policies to be too superficial and short-sighted. Therefore \$10 million of the funding would be allocated for specified subjects. Scholars were encouraged to conduct research of a longer term, and the research period might be five years at the longest.

Why was there the need to encourage scholars to conduct research of a longer term? The Government hoped that the relevant research would embrace a broad horizon with regard to the whole picture, rather than being completed

hurriedly in a casual manner. In conducting their serious research, the scholars would hold in-depth discussions and offer the Government advice on its policies in view of the long-term issues in Hong Kong.

Hence, in 2008-2009, the Government designated half of the \$20 million research funding for long-term research. However, it suddenly changed at the end of 2012 after SHIU Sin-por had assumed office as the Head of the CPU. It turned out that it neither encouraged nor desired scholars to conduct long-term research. Now research reports are required to be made swiftly and completed hurriedly. Why is our Government so capricious in its administration? At one time, it found the need to assign \$10 million of the funding to long-term research, but at another time, in the Government under LEUNG Chun-ying, SHIU Sin-por of the CPU regarded that research should be completed as quickly as possible.

I consider that such a fickle policy warrants debate and explanations. Under the mechanism before LEUNG Chun-ying was elected the Chief Executive, half of the \$20 million research funding was designated for long-term research, whereas the other half was not subject to such a constraint. Hence, if there were certain items which the Government wished the scholars to study, it was not impracticable to treat them as special topics and recommend the academics in the tertiary institutions to apply for such research. Why is the arrangement now changed without consultation?

Many scholars feel indignant about this matter. The reason is that they hold view that the authority to approve future applications for special public policy research under the \$20 million research funding has been entirely taken over from an independent, objective and professional academic organization, that means the RGC, to the CPU. Will Hong Kong people regard the CPU as an independent, impartial and professional academic body? I do not believe the CPU has built up such an image and attained such credibility. Moreover, since LEUNG Chun-ying's Government took over, we have noticed increasing politicization of the CPU, and many people are afraid that it will become a Central Propaganda Department.

Deputy Chairman, those friends of mine whom I have contact in the academic circle are quite resistant to this decision and find it regrettable. They said that if the CPU was responsible for making decisions on the funding in the future, they would not apply for the research funding anymore. Not only has the justification of the CPU failed to convince the academics in the tertiary

institutions, its underlying intention has also caused scholars and people in the academic sector to worry a lot, since they wonder who will actually assess the funding applications in the future. The CPU stated that it would seek peer review. Furthermore, not only tertiary institutions are eligible, people in other think tanks or research institutions are all eligible to apply for the research funding.

However, why did we encourage scholars in the universities to apply for funding in the first place? It was because we considered that public policy research carried out by top-notch academics in the universities who were the most experienced in research work would be more accountable with quality assurance. Various schools in the universities could also invite scholars from outside the eight major tertiary institutions, research institutions and even the Government to jointly conduct research projects, though the main applicants who made the research funding applications had to be academics from the eight tertiary institutions.

We would not suddenly change a proven mechanism unless we find a serious problem with it. However, so far the CPU has not told us if it has any new mechanism, a mechanism which can convince us that assessments in the future will be independent, objective, impartial and free from the influence of political decisions. Will the assessment mechanism be transparent with a professional academic status?

According to our usual practice, assessments would not only be conducted by local peer groups, and there would also be participation from international experts and scholars, representing a kind of dual assessment. However, will such a mechanism be gone in the future? Deputy Chairman, on behalf of the academic sector, I hereby raise the request to slash the relevant expenses of the CPU and hope that it will withdraw this decision which infringes on academic freedom, since it will politicize academic research wholesale. Is it that funding will be granted only to those research topics which fawn on the Government and take the line of research set by the Government? Before getting a convincing explanation, a reason which can convince the public that the approval mechanism of the CPU is more effective than the previous one of the RGC, we object to such an arrangement.

**MR WONG KWOK-HING** (in Cantonese): Deputy Chairman, as for the fact that Chairman Jasper TSANG had exchanges with Members when the meeting was suspended for two hours or so this morning, and then made a relevant .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG, let me remind you that a joint debate is now underway. If you have comments on the ruling made by the Chairman, please tell him direct.

**MR WONG KWOK-HING** (in Cantonese): Fine, Deputy Chairman. I consider what the Chairman did appropriate, reasonable and legitimate, because he had sought the views of Members. For example, he said the debate would end at 1 pm tomorrow. Before that, he had asked Members if there were other views, if additional time was needed, if the meeting had to be extended to Saturday and Sunday, or if my proposal was to be adopted. However, since no other suggestions .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG, let me remind you again. Please speak on the joint debate and stop making comments on the ruling made by the Chairman.

**MR WONG KWOK-HING** (in Cantonese): Fine, I will come back to the question matter ....., Therefore, I think it was appropriate. In my opinion, the Members concerned have proposed 100 or so amendments out of two objectives, namely a \$10,000 cash handout for everyone and the introduction of universal retirement protection. I do not think the two objectives carry any official weight. They are pseudo-propositions at best, because if everyone receives a \$10,000 cash handout ..... in fact, in the Budget two years ago, the Government was initially prepared to inject \$6,000 into each Mandatory Provident Fund account, but we demanded that the Government hand out cash instead. Then, the Government adopted our idea and revised the Budget, but .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG, I have to remind you again that you have strayed away from the question. Please speak in a more focused manner by pointing out the head on which you are speaking.

**MR WONG KWOK-HING** (in Cantonese): Deputy Chairman, since Members are to make general remarks on the various amendments in this joint debate, I should also speak on the general content. As for the \$6,000 handout, among Members of the previous term, those who filibuster today voted against it. Hence, their current call for a \$10,000 cash handout is not a genuine proposition. It is a pseudo-proposition instead.

Moreover, as for universal retirement protection, the FTU has been fighting for it since the last century. We proposed a comprehensive retirement protection system. But regrettably, the Government at the time did not adopt our proposal .....

(Mr Ronny TONG raised his hand in indication)

**MR RONNY TONG** (in Cantonese): Deputy Chairman, first, under Rule 41 of the Rules of Procedure, a Member shall restrict his observations to the subject under discussion and shall not introduce matter irrelevant to that subject; second, under Rule 41(5), a Member shall not impute improper motives to another Member. The Member who was speaking mentioned that the relevant amendments are a pseudo-proposition, meaning that the subject is false and untrue. Is he imputing improper motives to the Members who proposed the amendments? I hope the Deputy Chairman will make a ruling.

**DEPUTY CHAIRMAN** (in Cantonese): Mr TONG, you have already raised a point of order.

Mr WONG Kwok-hing, I remind you again and also warn you that your remarks are not related to the amendment. Please come back to the question; otherwise, I must ask you to stop speaking.

**MR WONG KWOK-HING** (in Cantonese): Deputy Chairman, you will soon note that my speech is about ..... those several subjects and amendments mentioned by me just now are related because those 100-odd amendments — that means the 100-odd amendments tabled right now — have already taken up 55 hours of the debating time, totalling 10 days. To date, \$25.5 million of public coffers has been expended. Furthermore, if this debate goes on endlessly, a lot

of Members' motions and subsidiary legislation of the Government will be delayed. Hence, I support the Chairman's decision to cut off the filibuster today. Thank you.

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, I was also touched as the FTU has striven for so long, but it has still been unsuccessful after the passage of a few decades and 19 years. They really need to make greater efforts, right? I have tried my best. Let us not talk about the FTU because this topic is too boring.

My remarks earlier pinpointed the 91st, 98th, 105th and 107th joint debates concerning the expenditures of the Labour and Welfare Bureau and the Office of the Chief Secretary for Administration. We are having a comprehensive debate because the two Bureaux and the Policy Secretary's office are respectively responsible for managing Hong Kong's financial affairs, formulating social welfare policies, and Secretary Mrs Carrie LAM is responsible for the management of the Government as a whole. These three persons are not aware of one thing: they have said that there is no consensus on universal retirement protection. As I have just stated, Mr TAM Yiu-chung, Mr Jasper TSANG and Mr CHAN Kam-lam have mentioned on three different occasions that one thing must be done, which is the "pay as you go" elderly retirement system advocated by me. Why is it necessary to set up a \$50 billion fund? The fund is needed for the "pay as you go" system; otherwise, this generation will have to support themselves and the previous generation. The later the scheme is introduced, the larger the amounts payable. If the Government postpones the introduction until next year, its additional expenditure will be around \$10 billion; and if it keeps postponing, it will have to pay dozens of billion dollars extra. Such a scheme must be implemented sooner or later.

Mr Paul CHAN who had the opportunity to become a Deputy Secretary in the current-term Government is our former colleague and a Super Fan of LEUNG Chun-ying. He is now a Bureau Director, but he is not the head of the three government departments that I just criticized. If a person within LEUNG Chun-ying's camp who obviously got his high regard says that the funds are available and universal retirement protection should be implemented, this serves as the best illustration of the matter. We are antagonistic to each other — at least on the surface — we are not personal enemies but political opponents. On 19 January 2011, Mr Paul CHAN proposed a motion debate on the very important

subject of "Reviewing public finances policies". His argument was that we should consider how the Government managed money, how it dealt with funding applications and handled other businesses. I trust that quoting his remarks today will provide the best evidence. What did he say. He said, "Some people say that Hong Kong is not very rich, because we have to bear the expenditure incurred by the pensions of civil servants." His response was that, the Government had set aside close to \$470 billion for the purpose of civil service pensions. After deducting this sum, the net assets of the Government were still worth \$1,233.3 billion; thus, there was enough money.

He continued to say, "Some of the assets owned by the Government can be cashed in without affecting public policies. For example, the shares owned in the MTR Corporation Limited (MTRCL) can be reduced from 77% to 50%, or to list the Airport Authority while the Government still holds 50% of its shares. If the Government keeps its shareholding at 50%, it will not affect the interest of consumers and the public while the Government can cash in \$100 billion. On top of this, we have not yet counted the assets owned by the Government in the form of bridges and tunnels. Deputy President, if this sum of \$100 billion is used to provide services to the elderly badly in need of social security or to launch universal retirement protection, this will serve to show instantly the Government's commitment to solving the problems of population ageing and universal retirement protection." How sonorous was his speech.

He gave this speech more than two years ago. He is evidently a "LEUNG's fan". Now that he has become a member of the Government, I am not sure if he will tell the Government what he previously said. So, it is superfluous to say in this Council that there is no consensus or no money. Evidently, President Jasper TSANG has said many times that the tax regime must be reformed because it is unreasonable for us to have so low a level of financial commitment under a low tax system. Among LEUNG's fans, the FTU and the DAB have been striving for a long time — Mr WONG Kwok-hing left as soon as he heard me talk about the FTU — why do they think that I am talking nonsense here?

If they are the ones talking to John TSANG today instead of the four of us, that is, if Members of this Council recall what they said 19 years ago or what Mr Paul CHAN spoke out on a matter of principle ..... He made the remarks when he was a Member of this Council. When Mr Paul CHAN concluded his speech on that day, he said, "Deputy President, we need an administration leader in Hong Kong who has vision, who is willing and committed to upholding justice, who



really cares for the people and who is humble enough to examine himself. We do not need a bunch of misers who only know sticking to the old rut." As LEUNG Chun-ying was going to stand for election, he abused that Donald TSANG's cabinet comprised a bunch of misers. Now that he is an official today, can he abuse his own colleagues using the words he previously used?

He made a really good remark to prove this point. He stated, "Owing to the time constraints, I will not go on with the list." — He meant to say that he already discussed the Exchange Fund amounts, and so on, thus, he would not go on with the list to avoid repetitions — He added, "The Government has always said that fiscal discipline must be observed and there must not be any operating deficits. But the question is that the high land-price policy has for many years led to a very large part of public revenue coming from land sale proceeds. Over the past seven years," — counting back from 2011, that is, from 2004 or 2005 to 2011 — "the average annual income from land was as much as \$31.7 billion. If we extend the time frame a bit to 10 years, the average annual income from land was \$27.4 billion. However, the Government enters this item into its capital accounts instead of the operating accounts. This greatly undermines our spending power in respect of services for the elderly, education, health and welfare. The Government justifies this way of accounting by saying that the sale of land is like selling assets and so the income thus derived is a kind of capital income and non-recurrent income. But as I reflect on this, if land is sold every year and there is income from land sales every year, can the income thus derived not be considered as recurrent income? If I as an ordinary person sell my home, the income so derived is non-recurrent income; but for developers who sell properties every year, the moneys obtained are considered operating income. What I mean is that should we classify the income from land sales so simplistically as capital income? Should the Government not undertake a review of that and change its practice?" He was discussing where the money would come from.

(THE CHAIRMAN resumed the Chair)

Chairman, I ask Honourable colleagues to read this speech after the meeting because the argument is clear enough: there is money and the system should be introduced. It seems to me that Secretary Prof K C CHAN, Secretary Mrs Carrie LAM and Secretary Matthew CHEUNG are not clear about these

arguments. Furthermore, Paul CHAN continued to express in 2011, "Earlier on, the *Asian Wall Street Journal* and the *Wall Street Journal* of the United States called on the Hong Kong Government to cut taxes because its reserves are excessive. I would think that this view is totally biased indeed. It is because the problems of poverty and population ageing in Hong Kong are all neglected. It also fails to see certain shortcomings in our tax regime that fail to catch up with the times and warrant improvement."

Chairman, this is related to the question, right? This Budget proposes a tax rebate and a rates refund. A real estate company unexpectedly had a rates refund of \$160 million. They are so rich that they cannot even pull their socks up, but the Government is still saying that they will be given a refund of \$160 million. Secretary Paul CHAN made this sonorous remark when he was still a Member of this Council. He added, "..... I am afraid I would not be able to talk more on this because of the time constraints. I would just like to point out that we do not need to worry about being less competitive than Singapore. Enhancing our competitiveness does not mean adjusting one or two percentage points in our tax regime. Rather, we should address its shortcomings and undertake a review for that purpose. Such shortcomings include section 39E mentioned in a previous discussion." He was saying that the tax regime should be suitably reformed.

Chairman, I am elaborating on the advantages and disadvantages. The veteran FTU led by the communists and the DAB, a peripheral organization derived from the Sino-British negotiations — TAM Yiu-chung switched from the FTU to the DAB, but he has turned his back on old associates, right? Even Paul CHAN, a "LEUNG's fan" who is even a little more peripheral, is saying that this can be done; but Paul Chan put it best though he is the latest to take actions. It is a great pity that a wife of nobility is never free. I gave him a call in relation to this speech in 2011 that I just read out and he happened to be in Singapore. I said to him, "Secretary, how are you?" He said he was in Singapore. I said, "I am going to meet John TSANG, can I show him your speech?" I said he was my adviser. He said, "Do not make fun of me, "Long Hair"!" Can we say that he has personality? The expressions "But willow down runs wild and dances with wanton breeze; Peach blossoms frivolous go with the stream as they please" were formerly used to describe people who did not have ambitions. That is how he behaves today.

I have been talking about this from the outset. Ever since 2004 when I first became a Legislative Council Member, whenever I meet government officials, I would always tell them ..... I told John TSANG that I would cause him trouble and start a filibuster if he did not do it. I was not springing a surprise attack on him. Chairman, a government supporter ..... even LEUNG Chun-ying has stated in his manifesto that, after he has taken office, he will set aside adequate money in a special fund to meet the extra expenditure that will be needed by reason of our ageing population to provide elderly care, and review various matters. Chairman, what was I demanding? I eventually heeded your advice and met with John TSANG. I said to him that, as long as he was ready to make a \$50 billion commitment ..... what did the commitment mean? It only indicated that he was willing to pay, but he did not need to pay right away. After he has made this commitment, we will accept it if a timetable and a roadmap can be presented within four years, and we will immediately stop starting a filibuster. Is this reasonable? However, he refused and said that it was unwise to appropriate funds when there is no relevant policy.

Yet, it did happen before that the Government did not make use of the appropriations even though there was already a relevant policy. In 2008, I wondered how much "covetous TSANG" had received which made him channel some interests to the medical industry. In other words, he transferred benefits to hospitals and real estate developers, and enabled them to make money. He obtained \$50 billion for the introduction of mandatory individual medical savings accounts. The proposal has been in deep freeze, right? Even if there is a relevant policy, it may be a mistake to seek funding. I asked him to promise to make a \$50 billion commitment, and the amount would be used only when the proposal is implemented. The proposal has to be implemented after all. Was I asking for his life when I asked him to make the commitment? The payment will not be made, right? It is not because I am unwilling to make any concession, but because they believe that they can certainly cut off the filibuster with the help of a rubber-stamp. The situation is as simple as that. Strength but not reason matters. I would like to tell Hong Kong people that the Legislative Council is not a place for them, and they should take to the streets!

**MR SIN CHUNG-KAI** (in Cantonese): Chairman, I mainly wish to speak on the Budget, but the fact that I am expressing my views does not mean that I accept and support your ruling. You have cited Article 72(1) of the Basic Law on the powers and functions of the President of the Legislative Council to preside over

meetings to unlimitedly expand your powers. I disagree with your ruling because it is more or less tantamount to abolishing the Rules of Procedure. Your ruling gives Members disproportionate speaking time; we spent over 50 hours earlier on more than 10 joint debates, but there are still over 100 .....

**CHAIRMAN** (in Cantonese): Mr SIN, your party comrades have already made this point. Please discuss the amendments right away.

**MR SIN CHUNG-KAI** (in Cantonese): Chairman, the Financial Secretary presented five Budgets in the past few years, and this is his sixth Budget. He spent over \$220 billion on one-off handouts in these six Budgets. While some Members are now striving for universal retirement protection through filibustering, some non-government organizations already initiated a universal retirement protection movement a few years ago. A number of academics were invited to study ways to implement universal retirement protection, and some of them formed the view that, if \$300 billion could be saved, there would be a relatively solid foundation in Hong Kong for the introduction of universal retirement protection for the savings including investment return would be enough for the payment of superannuation and pensions.

Just like the five previous Budgets, this Budget applies the same old tricks albeit the Government's efforts have not intensified. The same measures of handouts have been adopted, including double pay for CSSA recipients and power tariff relief. Let us consider the previous Budgets. The Financial Secretary had the vision and already stated in his first Budget in 2007 that an ageing population would bring great challenges in the future. Unfortunately, in the past six years, the Financial Secretary has not made specific preparations for the future or adopted long-term measures to deal with an ageing population and the long-term healthcare commitment. The new Chief Executive, LEUNG Chun-ying, proposed setting up the Commission on Poverty this year, and a task force under the Commission will be responsible for studying the long-term retirement system.

Back in 2007, the Democratic Party already proposed that the Government should set up a \$50 billion "Old Age Reserve Fund". Given the Government's considerable surplus at the time, we considered that the Government could use the \$50 billion surplus to set up an "Old Age Reserve Fund". People may have different views regardless of the measures or policies for the implementation of

the retirement protection system in the future. The non-government organizations have proposed tripartite contributions while the business sector does not oppose the Government setting up a universal retirement protection system; the most important point is that the business sector does not need to pay. Unfortunately, we have chosen a one-off handout when there was a surplus. Of course, these "candies" can win a brief applause and such short-term measures had pretty good effects when they were first introduced. Nevertheless, people would regard it as a matter of course when these measures were introduced the second time; and after the third and the fourth handouts, some will draw comparisons and comment that the handout this year is not as generous as that last year .....

**CHAIRMAN** (in Cantonese): Mr SIN, should you not have given these remarks during the resumption of Second Reading debate on the Bill?

**MR SIN CHUNG-KAI** (in Cantonese): I have given these remarks because some amendments seek to reduce the Financial Secretary's salaries. I have just pinpointed the Financial Secretary's performance and his fiscal management concepts. I support the reduction of the Financial Secretary's salaries because he has adopted the same mode and approach in the six previous Budgets. Apart from the idea of tariff subsidy in the first year, he copied the previous Budgets in the following few years, and he only made minor adjustments after listening to the views of various parties and groupings. He committed more resources to one part in a certain year and invested fewer resources in another part in another year.

Chairman, the Financial Secretary's performance is disappointing and he has not specifically introduced long-term planning for the Government. In the past years, the Government has intensified the problems and caused them to worsen. As far as I can remember, around six to seven years ago, some time before 2007, a number of experts from the International Monetary Fund came to Hong Kong and commented on our financial situation. They did that because Hong Kong had huge fiscal deficits in 2003 and 2004; it was necessary to increase taxes and the so-called fiscal crisis happened afterwards. I recall that, when Antony LEUNG assumed office as the Financial Secretary, he proposed some measures to increase taxes, which triggered the concerns of international bodies about our financial situation. After a certain period of observation, these

bodies reckoned that there were considerable fluctuations in our fiscal surpluses or deficits; yet, Hong Kong could generally cope with these fluctuations though we could not deal with the healthcare burden associated with an ageing population in the future.

If the Government starts discussing or dealing with ..... the biggest worry caused by an ageing population is not the pressure of retirement protection but the pressure imposed on the healthcare system. The last-term Government led by Donald TSANG tried to introduce a medical care assurance scheme which was stillborn. The current-term Government mentions nothing about the scheme, rendering it non-existent. The extended problems of the retirement and medical care assurance of the elderly will put immense pressure on the future government in respect of financial commitment. If we do not prepare well today or store up grain against famine, and if we do not change the one-off handout measures and make sound preparations for the future, the future governments will face serious financial crises.

The Financial Secretary's performance in the past six years has remained the same, and he continues to draft the Budget in the same way and pattern. If we do not make harsh criticisms today, the authorities will conduct consultations on the Policy Address and the Budget after the summer recess next year. We will then notice in February or March next year that the seventh Budget will still be drafted in the same way. What else can the Financial Secretary do besides bluffing Hong Kong people? He can only make handouts and extend petty favours, but he would have missed an excellent opportunity.

I have just mentioned that over \$220 billion was spent on the handouts, which was a huge amount that could have been used on long-term preparations in many areas. I have also mentioned some academics' view that \$300 billion was good enough for making preparations for retirement protection. The Government also spent over \$200 billion; there were fiscal surpluses in the following few years ..... we have omitted the fiscal reserve. Soon after the Financial Secretary assumed office, our fiscal reserve approximately amounted to \$300 billion; and it exceeds \$700 billion today. If we put together the accumulated and increased fiscal reserves and the amounts spent on the handouts in the past, we may already have a very generous fund for retirement protection or elderly medical care, and we should have prepared well for the future.

Chairman, the most important point in our debate on this Budget is not just to rectify some mistakes of the Government, but to prepare well for the future. The Budget today cannot be changed because the Government has already got enough votes for the Budget to pass. Nevertheless, we should think of ways to make the future government budgets meet the long-term needs of Hong Kong. There is no special trick and one of the methods is to prepare well for retirement in the future through making contributions to a fund. Now that Hong Kong people hold such great grievances against the Government, asking the public to make contributions to a retirement fund is really easier said than done. The only solution lies in the Government making use of some unexpected fiscal surpluses to make preparations for the future. Nonetheless, the Government has given handouts in the past seven years; it has made one-off handouts and it has also given a \$6,000 cash handout. After the Government gave a \$6,000 cash handout last year, some Members started a filibuster this year demanding a \$10,000 cash handout; and another filibuster may be started next year to demand a \$20,000 cash handout. Who triggered this adverse consequence? The Financial Secretary is definitely the one who triggered this. If the Government has not given a handout in the first place, would Members start a filibuster to ask for a \$10,000 cash handout?

Chairman, we are very disappointed today because the Financial Secretary is only getting ready for the filibuster to be cut off now, instead of preparing well for our long-term financial needs in the future.

**MS CYD HO** (in Cantonese): Chairman, I would like to focus on the entertainment expenses of the Independent Commission Against Corruption (ICAC). Amendment No 276 proposed by Mr LEUNG Kwok-hung seeks to reduce that head 72 by a certain amount in respect of subhead 000. This amount of reduced provision is equivalent to the annual estimated expenditure for the expenses of the ICAC on publicity activities.

As listed here, the annual estimated expenditure amounts to \$20 million, and Mr LEUNG Kwok-hung has proposed to reduce the expenditure to \$10. We are not very sure as to whether these expenses on publicity activities have been well-spent, and whether they can achieve the community education objective of the ICAC of anti-corruption publicity from the value for money angle.

(THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

At a recent question and answer session of a special meeting of the Finance Committee, Mr Dennis KWOK and I raised follow-up questions concerning the number of times the ICAC Commissioner presented gifts to others and the unit price of each gift. The ICAC initially provided Mr Dennis KWOK with a very ambiguous written reply without stating the unit prices of the gifts. When we later raised clearer questions, the reply really shocked the public. As it turned out, these gifts not only included souvenirs as we generally understood and they were given not as souvenirs when an organization came into contact with other organizations; they even included some gifts for personal use worth more than \$500.

We all know that the ICAC has regulatory requirements on public officers. First, the value of a gift received must not exceed a certain amount, which was \$500 previously, and an officer may not accept a gift if its value exceeds this amount. Even if the officer has accepted the gift, he should hand it over to the department for disposal. Also, public officers cannot accept excessively extravagant entertainment, and the food or drink is provided only for immediate consumption and is not to be taken away. Yet, we are surprised to find in the ICAC's reply that those items include a jade carving for appreciation worth almost \$4,400. This is an article for personal appreciation, which has nothing to do with official business. There are also commemorative pens at different price levels; the cheaper one is worth around \$150, and some are worth some \$500 to \$600 while some others are worth \$1,200 and even more than \$1,600. The prices showed that these pens are not like those sold in the Souvenir Shop of the Legislative Council Complex for which the retail price is only a bit more than \$80. We believe these are famous brand pens; pens of different prices are given to people of different official positions and classes, and the ICAC Logo is printed on these pens. There are also retirement gifts for officials from the LOCPG, including a digital camera worth some \$1,000 and digital photo frames at two price levels, \$1,200 and \$1,800. These gifts are only for official entertainment purpose and they have nothing to do with promoting the anti-corruption message. The money was simply wasted.

In addition to the \$220,000 gifts set out in the list provided to the Legislative Council in its reply, there are some expenses on food purchased; including the famous brand cookies — the ICAC especially sent a staff member



to buy these cookies from Stanley as souvenirs — these food items are not regarded as gifts. However according to the ICAC's guidelines to public officers that I just mentioned, the food items are only provided for immediate consumption and are not to be taken away. These food items are completely unopened and they can be taken away by the recipients of these gifts given by the ICAC as if they are souvenirs. It is astonishing that the expenses on gifts do not include these food items. As we always understand, the ICAC must preserve its moral integrity and it must be whiter than white before it can regulate public officers of different ranks and the private sector.

If the ICAC goes beyond the scope of these social entertainment guidelines, there will be nothing left of its credibility. We will find from the past expenditures of the ICAC that, even if the additional expenditures amounted to approximately \$30 million, the number of groups and organizations that it met with had unexpectedly become smaller. Perhaps it has met with certain organizations many times, but the total number of organizations that it has met with became smaller. How much of its publicity expenses were spent on unnecessary entertainment gifts? This is rather doubtful. What objectives have been achieved by these expenses? Was the money spent on fighting corruption or the establishment of personal networks, interpersonal relationships or buying official appointments, opening paths and achieving personal goals?

According to the gift list provided by the ICAC, many of the recipients of the gifts are Mainland officials, including public security department or prosecution department officers. One of them is the President of the International Association of Anti-Corruption Authorities, who is an officer of another official rank connected with the enforcement and public security departments on the Mainland. It was also shocking when we read those meal receipts, and found there were even split receipts for some meals. Nonetheless, the LOCPG director, ZHANG Xiaoming, has told us that these are ordinary cases. We can notice from this reply and the astonishment expressed by the community the huge differences between the bureaucratic culture and the requirements of people in the two places of the conduct of officials. We hope Hong Kong would not be assimilated into or contaminated by these bureaucratic habits. On social occasions, we may first relax our own boundaries out of courtesy or because we feel embarrassed. But if the boundaries become more and more relaxed, we will eventually be assimilated and we may also be corrupted.

For this reason, we request the Commissioner to behave like the Judges and avoid unnecessary social activities by all means. We know that the current Commissioner, Mr Simon PEH, does not really like entertainment though he may have remembered something incorrectly. He initially said that he had not had meals with the officials of the LOCPG, but he later pointed out that he had had meals with those officials twice after he had assumed office. Yet, he has done so only twice with the officials on rare occasions, as compared to the former Commissioner, Timothy TONG.

According to past media reports, a small feast would be held every five days and a banquet every three. That was how the officials treated the counterparts they contacted. The frequent social entertainment did not help the ICAC maintain its credibility, even though the objectives of these contacts were specified as fighting against corruption and promoting the anti-corruption culture. First, his attitude cannot achieve the above objective; and second, such frequent entertainment failed to play an exemplary role and to tell the counterpart Mainland officials that the anti-corruption efforts are not just in name only.

Deputy Chairman, the incident shows that not only the former ICAC Commissioner, Timothy TONG, was involved. He has the right to approve and allow overruns as specified in certain provisions; but, similar to the President's right to cut off the filibuster, the power established by the Court cannot be abused or arbitrarily used. Yet, we realize from the number of times he approved the overruns that Timothy TONG has arbitrarily used such power. We are not sure about the actual number of times he approved the overruns for we can only see the tip of the iceberg, and we are really uncertain about the seriousness of the problems under this tip of the iceberg. In any case, we clearly understand that he has not acted alone and there was co-operation by other people. We are not clear about the number of other people involved and this requires further questioning.

Have the staff members of the Community Relations Department also used these publicity expenses? Why have we raised such a reasonable doubt? When the Legislative Council asked for a gift list, we were provided with a list amounting to \$220,000 endorsed by the current Commissioner, Mr Simon PEH. The media reports pointed out soon afterwards that the list did not include food items and cookies. Even the ICAC staff members confirmed that they had not included all items out of carelessness. Their carelessness cannot be forgiven or believed. How many people have been complementing these pervasive corruption acts? We should get to the bottom of the matter indeed. Therefore,

we set up a Select Committee last week. We hope the Select Committee will give play to its investigation functions and respond to public expectations.

Why is the culture of the ICAC a failure? Every new staff member of the ICAC should be trained to accept its mission of fighting corruption. They should express their views and stop corrupted acts, even though the person in question is their boss, the Commissioner. According to my understanding, some ICAC staff members opposed the ridiculous act of Timothy TONG in approving his own overruns; but other people have worked in co-ordination. Deputy Chairman, instead of abusing and arbitrarily using the \$20 million on publicity activities, we might as well consider expending the resources on examining and conducting a body check on the ICAC to restore its credibility. After such an examination, the staff members who are still proud of its anti-corruption work can bring the ICAC back onto the right track. They should continue to be dedicated, honest and law-abiding, and continue to promote and maintain the anti-corruption work in Hong Kong.

In addition, we should promote the introduction of whistleblower protection legislation. This incident reveals to us the silent resentment of many people who dare not express their views after they have noticed certain problems. We believe this situation will also happen in various departments or statutory bodies in the SAR in the future. Since LEUNG Chun-ying has placed so many "LEUNG's fans" in various organizations, when they fail to observe the rules at work, the staff members of these organizations or departments should be given adequate protection so that they can safely expose irregularities. Rather than continuing to invest the resources in the publicity work, thorough internal investigations might as well be conducted to identify the causes. A set of rules for the protection of those who disclose information should then be studied and formulated, such that everybody in Hong Kong and every staff member of public organizations can rest assured in exposing irregularities and corrupt practices.

Thank you, Deputy Chairman.

**MR GARY FAN** (in Cantonese): Deputy Chairman, the Neo Democrats has proposed that the departmental expenses of the Hong Kong Police Force (HKPF) be reduced in the Budget this year; our amendment seeks to resolve that head 122 be reduced by \$78,000,000 in respect of subhead 000. This amount of reduced provision is equivalent to the annual estimated expenditure for "specialist supplies and equipment".

First of all, I would like to ask Deputy Chairman and Honourable colleagues if they know what items are included under the "specialist supplies and equipment" of the HKPF. Even if we look up the Budget documents that the Government disclosed to us in the past and the public information provided by the HKPF, we cannot find any list of such "specialist supplies and equipment". However, the HKPF had huge amounts of expenses in this connection: \$69.5 million in the year 2010-2011; \$78 million in the year 2011-2012; and \$76 million in the year 2012-2013. The amount is even larger in this Budget and it reaches \$78 million. Hong Kong taxpayers spend \$70 million each year on this unregulated item, and the expenses have shown a rising trend in recent years. Yet, the HKPF have never given an explicit account of these expenses and the reasons for the rising expenses.

Deputy Chairman, similar to what the Chairman did, you may ask me why I did not ask this question during the question and answer session on the Budget. I actually asked a written question but the HKPF replied that the quantity, the quantity purchased and consumed, and the overall expenses and distribution of the specialist supplies and equipment were details of the operation deployment of the HKPF, which should not be publicly disclosed. The HKPF refused to answer my question.

The literal interpretation is that the specialist supplies and equipment are required by the HKPF in performing police duties, and they include the materials, firearms and equipment such as pepper sprays, long range acoustic devices (acoustic cannons), overhead monitoring devices and water-filled crowd control barriers needed by the police for law enforcement. I think the HKPF have given a very ridiculous reason for refusing to answer the question raised by this Council; it does not make sense and sounds irresponsible. So, it is my responsibility to raise this question when we debate Members' amendments to the Budget and demand reduction of the expenses.

Criminals or persons with criminal intent will not make plans to commit offences when they know how many bottles of pepper sprays the police consume each year or how many acoustic cannons, overhead monitoring devices or water-filled crowd control barriers will be purchased. I trust that disclosing the quantity of these supplies and equipment will not have any adverse effects on law enforcement by the police. Conversely, the disclosure of certain documents by the police or the leakage of its internal guidelines after the loss of certain information in the past few years might have greater effects on law and order in

the community. For example, the Strategy Training Manual of the police and the locations of radar velocimeters at the airport were disclosed in the past. These are the causes of loopholes in the crime prevention work or the deployment of police operations.

I have paid special attention to the purchase and use of pepper sprays, acoustic cannons, overhead monitoring devices and water-filled crowd control barriers under the "specialist supplies and equipment" item because I am worried that these supplies and equipment might be used against the public and petitioners who participated in peaceful marches and demonstrations. My worry is well-founded and supported by facts. Based on the replies of the HKPF to Legislative Council questions, throughout the year 2012-2013, the Government used pepper sprays 20 times in performing duties, and pepper sprays was used twice during public marches and assemblies. In other words, 10% of the pepper sprays was used by the police during public marches and assemblies last year.

Deputy Chairman, according to the Strategy Training Manual disclosed by the police, the degree of force of pepper sprays is just lower than the baton, and it can only be used when force is used or when there is physical contact; and it is clearly stipulated that it cannot be used on "passive resistance" persons with relaxed bodies or who refuse to obey instructions. It is also stated in the Manual that the targets of pepper sprays are restricted to the eyes and face, and there are four spraying techniques, including vertical or horizontal spraying, and the objective is to cause in the other parties a feeling of fear so that law-enforcement officers will gain the upper hand. The Strategy Training Manual also clearly specifies that, before front-line officers use the sprays, they must verbally order the other parties, "Do not move, I do not want to hurt you", demanding their co-operation. During the attack, the other parties should also be ordered to sit or kneel down, and the other parties must be pacified upon completion of the attack. The police officers should offer to help the other parties clean off the sprays; for example, washing with cool fresh water, and patting dry the affected areas with wet or dry paper towels. Yet, they must not rub or allow the other parties to rub, so as to avoid intensifying the effects of the spray on their faces or eyes. Furthermore, the front-line officers should ask people affected by the pepper sprays if they have any illnesses or allergies.

Unless we have not paid attention to the news or video clips recently shot by the media or the public of enforcement by the police, we should have noticed that, when the police used pepper sprays in law enforcement in the past two years,

we never heard the police officers say "Do not move, I do not want to hurt you" before application. I did not see any police officers help the protesters clean up the pepper sprays afterwards. This made me and Hong Kong people question if the police led by the Commissioner of Police, Andy TSANG, said one thing but did quite another when using pepper sprays because such sprays were used without advance warnings and at a distance shorter than the safe distance. For this reason, I believe it is irresponsible for the police to refuse to disclose such information, and they simply wish to avoid regulation by this Council, and monitoring by the media, the public and public opinions.

Deputy Chairman, I wish to add that, in the absence of public monitoring, the police have added some unnecessary supplies and equipment such as large-size pepper sprays in recent years. I have collected some information online: the small-size pepper sprays used by the police are called Red MK3 or MK3 pepper sprays. The current price of a 1.8 ounce pepper spray is around US\$20 while the current price of a 16 ounce large-size pepper spray (Red MK9) is US\$50.

I would like to tell the Deputy Chairman and Honourable colleagues that I wonder why the HKPF purchased pepper sprays that are nine times larger at two and a half times the price of an ordinary spray. Does it mean that the HKPF make shrewd use of taxpayers' money? Let me give an example: when tourists buy canned oxygen to alleviate the symptoms of altitude sickness, no matter whether they buy large-size or small-size ones, most of them use up the oxygen before they go downhill. How can we explain this phenomenon? There is a very simple answer. A tourist using small-size canned oxygen will inhale oxygen little by little until he uses up the oxygen. Nonetheless, a tourist using large-size canned oxygen can lavishly inhale oxygen in a carefree manner until he uses up the oxygen.

I would like to say that, the mentality of and the logic behind the police's use of pepper sprays is that the larger the bottle, the larger the quantity at disposal. The purchase of large-size pepper sprays indirectly encourages the police to use a larger quantity of pepper sprays. Pepper spray is intended for single and short-term use only, and it is basically unnecessary to purchase large-size pepper sprays. The spraying time of small-size pepper sprays is within 10 seconds while the spraying time of large-size pepper sprays lasts 20 seconds. Pepper sprays of different sizes can cause different degrees of harm

and damage. We can suspect that the police have purchased large-size pepper sprays because they intend to take stronger measures against peaceful protesters.

Deputy Chairman, I also wish to talk about the acoustic cannons purchased by the police and I think that this equipment is similarly unnecessary. When Poland and Ukraine jointly organized the European Nations Cup and when London hosted the Olympic Games, acoustic cannons were introduced for security purposes, to handle riots caused by the gathering of football hooligans. This aroused the concern of the Western media, which pointed out that such weapons would cause panic, and once they were deployed, they would affect people in the neighbourhood areas and the bystanders would also be affected, suffering unnecessary harm.

As illustrated in the manual of acoustic cannons, the effective range is 700 m, and the sound volume reaches 137 db, equivalent to the sound of an aircraft engine. If the police deploy these cannons at the Central Government Complex downstairs, the affected areas will include the United Centre in Admiralty. Therefore, the use of this weapon would have serious impacts of hearing loss on the tourists and the protesters participating in assemblies, and this is a weapon of very strong damage.

Deputy Chairman, the police refused to disclose the quantity, quantity purchased and used, and the distribution of these supplies and equipment, and they are also unwilling to provide information on the annual expenditure. Yet, I believe such information is unrelated to the details of the deployment of police operations. I definitely have reasons to suspect that the department fails to make effective use of taxpayers' money. Hence, I hope Legislative Council Members will support my amendment which seeks to reduce an amount equivalent to the annual estimated expenditure of the HKPF for "specialist supplies and equipment".

I so submit, Deputy Chairman.

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

**MR LEE CHEUK-YAN** (in Cantonese): Deputy Chairman, I am speaking on Amendment No 444 about reducing the annual estimated expenditure for the

annual salary of the Secretary for Labour and Welfare, which amounted to over \$3 million, if Members care to look at it.

Deputy Chairman, I have to reduce the expenditure because I think there has been dereliction of duty on the part of the Secretary for Labour and Welfare, and he has basically failed to do what he should have done. I wish to say before elaborating on the labour issue that, a few days ago ..... a group of voluntary agency employees ..... the NGOs supported by social welfare expenditure have a support service with Programme Worker (PW) posts, and there were previously 3 000 PW posts in this sector. The two major functions of this sector are: first, to provide more support staff, especially in respect of youth services, to help in the delivery of services by organizations. This is a very important support staff function.

The second function is to provide training to the youth to help them realize their aspirations and interests. They are going to join the industry as interns, and when they become really interested, they can consider taking associate degree programmes to enable them to become social workers in the future. They will start thinking about their future when they have clearer ideas about their aspirations and interests. These are the two functions. The Government will not admit this function for it only admits that the function is to assist in the employment of unemployed young people. The Government might initially intend to assist in the employment of unemployed young people, but, as things turned out, the two functions have now become more evident: First, support staff are simply provided to assist in the organizations' work because there is insufficient manpower. The second function is training. When the Secretary for Labour and Welfare met with them, a demand was made that the PWs be changed to workers on permanent establishment and permanent training establishment. There are two establishments, namely permanent establishment and permanent training establishment, and these two establishments make up the youth's job ladder. The Secretary for Labour and Welfare, Matthew CHEUNG, said at their meeting that, as homes for the elderly needed additional workers, they might consider working as health workers there. This was a grave insult to these people; they were interested in serving the community, especially youth services, but they had not indicated that they were interested in other work. The Secretary was insulting these young people's aspirations and interests when he asked them to work in the homes for the elderly. Why could they not work in pursuit of their own aspirations and interests? Why did the Secretary insult them? They were not looking for a job; if they needed a job, they could have



found a job on their own. Why did they meet with the Secretary for Labour and Welfare? They were not asking for a job and they just wished to discuss the policy in the context of youth training and employment prospects. Who would have thought that the Secretary for Labour and Welfare would insult them and regard them as begging for a job? The Secretary for Labour and Welfare has a few areas under his charge, including welfare services. If we only focus on welfare services, why has he not provided additional manpower to support understaffed welfare agencies? The Secretary for Labour and Welfare is also responsible for youth employment training and he has pretentiously introduced a number of training programmes. Nevertheless, the Secretary tells them not to be silly when young people really aspire to developing their aspirations and interests. Why do they want to develop their aspirations and interests? There are vacancies in the homes for the elderly and they may as well work in these homes. Is this not a problem? What does the Secretary have in mind? The Secretary for Labour and Welfare is in charge of these two areas, but his ideas are rather "crooked". This experience showed me that these young people were seriously insulted, very much frustrated after they had heard the Secretary's remarks. Surprisingly, the Secretary for Labour and Welfare has not considered their feelings.

Deputy Chairman, as you may know, our biggest complaint is not just about the issue I raised just now, but about the welfare and labour issues. Many Honourable colleagues have expressed their views on the welfare issues, and I mainly wish to discuss labour issues. There are two major demands, namely standard working hours and the right to collective bargaining. I would like to discuss standard working hours before discussing the right to collective bargaining and the container terminal labour dispute.

Let us consider the issue of standard working hours. Do we know how many years the Hong Kong Government has delayed in providing wage earners with standard working hours? In 1929, the first Convention of the International Labour Organization (ILO) specified the standard working hours as 48 hours. The SAR Government has all along failed to legislate on this and it has only legislated for overtime work by women and young people. The Government repealed this law in 1996 because of sex discrimination, even women ..... there was some background information on the repeal of this law. Frankly speaking, there were no more factories at that time; as the law only applied to women working in factories, it was no longer applicable to women workers when there were no factories. We also explained at the time that the repealed law should be

replaced by another law on working hours, and that male and female workers should be equally protected under the law on standard working hours. That happened in 1996 after some discussions on the issue of standard working hours. In 1998, we wanted to achieve the goal through the minimum wage and standard working hours. We have spent 12 years on the minimum wage issue and the Government has always told us that it will only handle minimum wage but not standard working hours. Now that the minimum wage issue has been settled, the Government is telling us that it will put pressure on the business community if we wish to legislate for standard working hours soon after the implementation of minimum wage. We have discussed this issue for many years, why has the legislative process been delayed so long?

There is dereliction of duty on the part of Matthew CHEUNG. During the Donald TSANG era, he promised last year that he would publish a study report before Donald TSANG left office. I do not know why he failed to do that before Donald TSANG left office. We do not know what happened that made him fail to publish a study report. How much longer do we have to wait? The Secretary only published a study report around November last year, and the Legislative Council Panel on Manpower discussed the study report after its publication. Then he said that the Standard Working Hours Committee would be set up. We thought that the legislative work on standard working hours would be completed as soon as possible, because LEUNG Chun-ying stated in his manifesto that he would promote legislating for standard working hours. The Government later drew back its hand and said it would only study the issue, and Secretary Matthew CHEUNG and the Standard Working Hours Committee would carry out the relevant work. The Government said that it would work out a timetable for the study, which is obviously an attempt to cause further delay. How can it study the matter for three long years? I often say that Secretary Matthew CHEUNG would also serve the next-term Government, but I do not know if what he is doing will be implemented by the next-term Government. He studied the issue at the time of the last-term Government and he continued with his work in the current-term Government, and he will continue to work for the next-term Government three years later. In other words, he does not need to achieve anything within his tenure. He often says that he will get things ready, but he needs not put anything into effect. What is the use of appointing this Secretary? This Secretary muddles through his work and he will delay the work on standard working hours for three more years until the next-term Government commences operation. Honestly, the next-term Chief Executive may make a brand new start. Why would he have to delay for three years? Of course, now

there is such wishful thinking that he would hopefully produce an interim report and legislation can then be enacted. We certainly hope so but he seems prepared to delay the matter for three years. This simply demonstrates that he is not sincerely promoting standard working hours, with which we are extremely dissatisfied.

Without standard working hours, wage earners will not have overtime pay and they will work excessively long hours. They have a job but they cannot spend time with family members. The Government is currently implementing the "Hong Kong our Home" campaign; it is too bad if our home is in Hong Kong, and many people do not want to have their home in Hong Kong. It is because employed Hong Kong people simply do not have family life. Why has the Government launched the "Hong Kong our Home" campaign? If the "Hong Kong our Home" campaign only includes cleaning and sweeping the streets led by some people, these people might be called "Street Sweeper Ying" or "Street Sweeper Chung", right? They only sweep the streets and they have done nothing in respect of family life. Why is it impossible to legislate for standard working hours? The working hours are so long, and I am extremely sorry about that.

Finally, I would like to spend the last few minutes talking about the right to collective bargaining. LEUNG Chun-ying gave irrelevant answers the other day. While I was talking about the right to collective bargaining, he said that more public housing flats would be constructed. We were not discussing that. We should talk about distribution in tandem with economic development, and there are two methods of distribution. First, the Government bears all costs and implements the policy by levying taxes. We certainly agree that the Government should bear more commitment in connection with welfare services. An equally or even more important point is how the fruits of prosperity can be distributed between employers and employees. Hence, we need the right to collective bargaining and the trade unions must be given the right to bargain with employers.

Many people have placed the small and medium enterprises (SMEs) on the deck. I ask them not to do so and I am not going to talk about SMEs. I will speak on a law introduced and passed in 1997. I emphasize that the enterprises in question have a staff size of more than 50 people, not only 10 to 20 people. The right to collective bargaining refers to collective bargaining with these

enterprises, without affecting the SMEs. We just hope that there could be negotiations with large enterprises over the determination of a more reasonable level.

We trust that there will be more strikes and labour disputes in the future. In the past decade or so, the employers were quick in cutting salaries but slow in raising them, so, there were increasing working hours but dropping salaries. The employers were also slow in raising salaries after cutting them. We believe the bosses are making profits to the maximum. We now want to bounce back and get back our due share; yet, there is no right to collective bargaining.

In fact, the right to collective bargaining is a means to prevent strikes, and it is an agreement for industrial peace — the trade unions will negotiate with the bosses, and both parties will then reach an agreement through negotiations. In that case, trade unions need not hold strikes or take industrial actions to fight for proper treatment when there is the right to collective bargaining. Since there is no right to collective bargaining, the employers do not recognize trade unions, so the only alternative for trade unions is to hold strikes and take industrial actions to force the bosses to return to the negotiation table. If they have the right to collective bargaining, they need not take actions to force the bosses to engage in negotiations. Instead, the parties can resolve issues at the negotiation table in a civilized manner within the legal framework. This is what we have always advocated, and I hope that there will be a more civilized system with the right to collective bargaining so that the relations between employers and employees will become truly harmonious.

We obviously dislike to be harmonized, but true harmony should be founded on fairness, and harmony may only be achieved if there is a fair system. The so-called employer-employee harmony now is fake as workers are forced to be submissive to "high-handed" bosses. Workers who do not like to work in certain companies will be told to leave and join other companies. Some people are talking nonsense in commenting that workers have a choice. If a security guard wishes to choose to work eight hours, do you think he has the choice? If I really have the choice, can anybody give me a job that only requires eight hours of work? Is there any job that only requires eight hours of work? Only the staff members of the Housing Department and other government departments can work eight hours a day. Are there such jobs in the private sector? Can a catering worker choose a job that only requires eight hours of work a day? No, he cannot. Because there are no such jobs in the industry. There is a labour

shortage and the employers are required by the employers to work 12 hours. Do they have any choice? How about the situation in the retail sector? All these workers do not have any choice. Some argue that workers can quit if they do not like the job because they have many options when there is a low unemployment rate. They actually do not have any choice because all jobs impose long working hours. Is there any job that does not impose long working hours? A clerical worker is often forced to work overtime without pay; will he not be required to work overtime if he changes to another clerical job? Some say that there is a civil service system, but how many vacancies are there in the Civil Service? There may only be zero or few vacancies. If there is no right to collective bargaining, the employees have to take actions to fight for their due interests, which would certainly lead to conflicts. We want true harmony rather than fake harmony. Thank you, Deputy Chairman.

**MR WU CHI-WAI** (in Cantonese): Deputy Chairman, I would like to discuss the amendment which seeks to reduce the expenditure on emolument for Secretary for Development Paul CHAN.

As we all know, property prices in Hong Kong has been persistently high, the major reason is surely the difficulties encountered in the process of land development and formation. This is a fact that we must admit. In the era of Donald TSANG, the area of formed land has significantly reduced to a level that is far below the average.

Of course, when LEUNG Chun-ying has just taken office, he thought that it was not difficult to get land. He then appointed Paul CHAN as the Secretary for Development and started the relevant work. However, judging from the Secretary's replies to various questions in this Council, including the figures on land provided by him, programmes now under planning, such as development of rock caverns, reclamation, as well as all kinds of consultation arrangements, we are very worried that he has merely been paying lip service. Nowadays, people have higher awareness of environmental protection, and different organizations have, for the sake of safeguarding their own interests, expressed different views and voices on proposals concerning the use of land. Hence, the Secretary will certainly face enormous challenges in future if he intends to increase land supply by such methods. It is also unpredictable whether he can accomplish his mission.

In my opinion, when the Government asks the public to make sacrifices for society, the public will first ask "What will the Government do for us?" Some

may think that the public should also think about making contribution to society. But we Chinese people always hate those in power who "allow themselves to commit arson but forbid the masses to even light their lanterns".

The Secretary always mentions the enormous difficulties encountered in increasing land supply. But what about the existing resources in society? For example, has the Secretary asked the Chief Executive whether he is willing to give up the golf course that he rarely uses and turn the site into land resources? I have never heard of any proposal like this. Nor do I know whether the Secretary has asked such a question. This example shows how the Government can demonstrate its determination to make the best use of available resources for meeting the needs of housing development in society. How can the Government convince the public if it cannot even do so? If the Government plans to construct screen-like buildings in front of the residential buildings of the people, and hence obstruct their sea view, how can the public not make any comments?

While the Government claims that land resources are scarce, it is surprisingly lax in dealing with certain land problems. As I have mentioned time and again in this Council, in accordance with planning guidelines, the Tai Hom Village site offers a gross floor area of 3 million sq ft, but it is not zoned for housing development most needed by the people. Instead, the site is planned for hotel and office use. On the other hand, the authorities have not made optimum use of the gross floor area. At present, the planned gross floor area is 2.2 million sq ft only. On the basis that the standard size of a residential unit is 800 sq ft, it is equivalent to giving up the construction of 1 000 units if the site is not put to optimum use. Why did the authorities adopt such an approach? Why did the authorities deal with the problem in such a manner, thereby worsening the scarcity of housing resources?

I had also asked the Government in the Legislative Council why so many Comprehensive Development Areas (CDAs) had been left vacant for so many years, some even up to six years, and there was no sign of development. Why not expeditiously kick off the development of these CDAs? The gross floor area involved is as many as 18 million sq ft, which can offer 22 000 residential units of 800 sq ft each. But the Development Bureau explained that the authorities might need to carry out land consolidation and more detailed planning studies. If so, does it mean that Secretary Paul CHAN's proposals of development of rock caverns, reclamation, and so on, may not be accomplished within the foreseeable future?

Regarding this year's Budget, I asked the Housing Department a question: Has the Secretary for Development Paul CHAN provided any land to the Housing Department (HD) for the two years 2018-2019 and 2019-2020? Some may wonder why I am particularly concerned about these two years. It is because time is pressing. According to the HD, the construction of public rental housing (PRH) will take at least five years even though the project schedule can be compressed. If the relevant land supply is still unsure at this moment, a "PRH supply cliff" will most likely occur. In other words, the supply of PRH in 2018-2019 and 2019-2020 will only come from the remaining 7 000-odd recovered units. This will bring significant impact on the applicants on the waiting list and society as a whole. This situation is both unacceptable and undesirable.

Unfortunately, the HD refused to provide any information even though we asked the same question on different occasions. It merely said that the Bureau was confident in accomplishing the task in 2018-2019 and 2019-2020. Can the HD really meet the target? If no land is available today, how can PRH be constructed? If the housing construction schedule is further compressed to less than five years which may exceed the maximum capacity of the HD, will short-piling incidents occur again as the production target has to be met at the expense of safety standard?

From the above examples, we can see that Secretary Paul CHAN, as a former accountant, is good at fiddling figures, yet when he is faced with thorny issues such as actual front-line work, and how to get land supply, he cannot solve the problems by fiddling figures alone. The general public query what would happen if land that can only be acquired at a later stage is used for meeting the housing production target of CY. Will the Government just sit and wait for a miracle? This is quite unfair to the whole community, and it also reflects the predicament brought about due to his failure in making optimum use of land now available.

Soon after his assumption of office, Secretary Paul CHAN has to face various incidents, such as "sub-divided unit scandal" and drink-driving incident. As a result, the public have cast doubt on his capability and integrity. The Legislative Council had also discussed these incidents in detail and I would not make further comments. But now, the Secretary still cannot convince the public that he is fully competent at tackling the housing problem.

Earlier, LEUNG Chun-ying announced the new appointees to the Urban Renewal Authority (URA) which plays an important role in housing development of Hong Kong. The public cast doubt on the new name list because a number of "LEUNG's fans" have been appointed to the Board. Whether or not the appointees are "LEUNG's fans" is not a matter of great concern, we are more concerned about whether they are specialists in their own sectors, and whether they have any expertise and incisive views on land development and urban renewal. We are also very worried about this.

Is the name list of appointees proposed by Secretary Paul CHAN and endorsed by CY a kind of political reward for "LEUNG's fans"? It has seriously undermined the credibility of the URA. If Secretary Paul CHAN has not carefully handled such a simple political consideration, thereby causing damage to the credibility of the URA, how can he rely on the URA to solve the inextricably conflict of interest arising from the urban renewal process?

At present, developers are holding a lot of agricultural lands in the New Territories. A developer had once indicated his willingness to donate land to the Government for building inexpensive small residential units for young first-time home buyers. However, in this process, Secretary Paul CHAN has not explained to the public how to ensure that conflict of interest would not arise. As we all know, these developers are holding about 70% to 80% of idle agricultural lands in the New Territories. One of the reasons for these agricultural lands being left idle is the lack of transport facilities. If the Government constructs such facilities in exchange for lands donated by the developer, it will be like the developer provides soya sauce while the Government provides a chicken in making a delicious dish. How can the Government not sustain huge losses? As the Secretary for Development, how can he convince the public that no conflict of interest is involved? If he cannot do so, the public may query that there is collusion between the Government and the developer, as well as a transfer of benefits to the developer.

Such a situation may not necessarily happen. But as an accountability official, Secretary Paul CHAN should have sensitive political acumen. He should intervene and deal with any problems in a timely manner, so as to ensure that the public would not have any negative feelings towards some schemes or arrangements. Unfortunately, according to my observations from the press or his blog, I fail to see that he can allay the public concerns about his competence. He also fails to convince the public that in handling issues concerning land and



housing supply which involve huge benefits, he would have the political sensitivity to avoid any suspected transfer of benefits.

Hence, in today's debate, I would like to highlight that the emolument of Secretary Paul CHAN, as a politically appointed official, should be deducted until he can clearly respond to the aspirations of society and convince the public that he has the political sensitivity to deal with land and housing issues which are marked by an intricacy of interests. Then, we will re-affirm that the emolument of Secretary Paul CHAN is worth the money. Thank you, Deputy Chairman.

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

**DR KENNETH CHAN** (in Cantonese): Deputy Chairman, I rise to speak on the reduction of \$3.38 million for the next financial year under head 156 which is related to Secretary for Education, Eddie NG.

Deputy Chairman, this amount of expenditure is equivalent to one year's emolument of Mr NG, or the amount of public expenditure to be spent on employing the person considered to be a valuable talent by LEUNG Chun-ying. Some people may argue, since you have to deduct his one year's emolument, why not deduct his emolument from the present moment up until the expiry of his tenure. The reason is very simple. It is because we are only scrutinizing the estimated expenditure for the next financial year. So, we can at most deduct his one year's emolument.

Why do we propose to deduct his emolument? Has he committed any serious mistake that has led to public rage and therefore we have to deduct his one year's emolument, such that he gets no pay after working for the whole year? Let us analyse the so-called "Eddie NG phenomenon" step by step.

During the Chief Executive's Question and Answer Session held in this Chamber last week, many Members, colleagues, public officers and Executive Council Members had also attended the meeting. Deputy Chairman, among the three Secretaries of Departments and 12 Directors of Bureaux, there was an "outstanding" official whose photo was immediately uploaded to Facebook and circulated by many people.

Deputy Chairman, it is the duty of public officers to come to this Chamber to attend meetings or support the Government. Should they listen attentively to Members' speeches? If they do not want to listen, they may leave the Chamber in protest or do something else. But Secretary Eddie NG is very special. While sitting in this Chamber, he browsed financial and stock information with his mobile phone. He might be described as being able to "divide his attention" and have "a multi-functional brain". When confronted by someone, he denied doing so and put up other excuses. Consequently, the civil service team had to offer an explanation on his behalf. Why did Mr NG browse information with his mobile phone during the meeting? Why did he strongly deny his act even though he was "caught red-handed"? If so, why do we need such a Secretary or Secretary Eddie NG? Can he just attend meetings without paying any attention? Is it because of this reason that Chief Executive LEUNG Chun-ying, who has a high opinion of Eddie NG, has retained him and harboured him?

This reminds me of Arthur LI, the former Secretary for Education, who was also found to be playing computer games when attending a meeting in the old Legislative Council Building. Why are the two principal officials in charge of the Education Bureau and responsible for education policy also fond of online activities?

As a university professor, I feel most dissatisfied with the Budget because education in Hong Kong has not made any progress at all. Why? I cannot help but ask: What are the direction, philosophy, core values and vision of the whole education system? After taking up the post, Secretary Eddie NG vigorously promoted the brainwashing national education with such strong determination that he could be described as a person who "would never change until death". During this process, it was really very difficult for us to get in touch with him because he could not be found anywhere. Many people had to answer questions and deal with the crises on his behalf. I had a chance to have breakfast with him, but he came with many government officials. This made me feel embarrassed.

If he was an accountability official with ideas, experience, views and commitment, why could he not discuss education issues with me, an insignificant Legislative Council Member who came to see him alone? Why did he only consent to meet me after repeated invitations, and came with the company of a large group of people? Was he still undergoing training? Deputy Chairman, if this is the case, I think this Council should not approve funding for his

emolument. Rather, his annual emolument should be deducted and application for funding should be made when he has completed his training. I think this is not unreasonable.

Has Secretary Eddie NG proposed any good policy in the Budget to convince the public that he is capable of handling education issues and policies and can make contributions during his tenure? Regarding the \$480 million scholarship fund for top students, he might think that this was an accomplishment which enabled him to build up his reputation. But I think he has ended in failure.

If he really makes commitment to education, if he has devoted whole-heartedly to education and has followed up various education problems, he should understand the direction of education development in Hong Kong upon his assumption of duty, and complement the development with resources and policies. While it was proposed in the Budget to set up a \$480 million "top student" scholarship fund to sponsor 20 students to study abroad, the information released by the Government was confusing. The policy intent seemed to be about education, but after the proposal was announced, other officials could not explain it to the public. Do the "left hand" and "right hand" of the Government understand their duties? Do officials co-ordinate with each other in making remarks? Or do officials hold back in handling this issue and steer according to the wind in making comments? Or do various departments merely seek to get funding for boosting their achievements, and then do nothing afterwards?

In my view, Secretary Eddie NG seems to be telling us that he has no idea about the subject matters concerning education. Since he does not understand the needs of the education sector and the long-term challenges, he has rashly proposed a policy which is criticized by everybody in the territory. As a result, the \$480 million will be wasted.

According to the Administration, the \$480 million "top student" scholarship fund seeks to sponsor 20 top students each year to study abroad in education, and they should undertake to teach in Hong Kong for two years upon graduation. However, can this measure facilitate the development of education? Would those who aspire to join the education sector welcome this measure? I think the result is just the opposite. For this reason, the emolument of the Secretary should be deducted. The announcement of this policy has led to an outcry in the whole education sector. The Secretary has given the education

sector several slaps. Has the Government ever provided any subsidy to members of the education sector? Teachers have attached prime importance to students, education philosophy and education ideals; apart from working round the clock to mark their students' homework, they also have to face various measures, implemented by the Government out of the blue, such as "external assessment", "internal assessment", "teachers' self-assessment", and so on. How should teachers prepare themselves for the challenges and impact brought by the New Senior Secondary Curriculum? Apart from equipping themselves to face the challenges brought by the reform, they have to help the schools, students and parents to meet such challenges.

The introduction of the \$480-million "top student" scholarship fund seems to convey one message to all teachers in Hong Kong, as well as members in the education field who have worked diligently and energetically for Hong Kong, that is, "Sorry, in the eyes of the Secretary, what you did in the past were all wrong. You are neither the 'apple' of Secretary Eddie NG's eye nor the 'cream' of the crop. You are just asking for trouble. Try to do your best!"

As I see it, Secretary Eddie NG's application for \$480 million to sponsor 20 top students reflects that his way of thinking and logic are contradictory. While saying that he wants to promote education, he has in fact destroyed the core values of education. He was previously engaged in work related to human resources. Businessmen or those who have some knowledge of personnel management and human resources would certainly know his intention, that is, to provide incentives, stimulus and resources so as to encourage a change in practice and way of thinking.

As the saying goes, "An eye for an eye, a tooth for a tooth". Deputy Chairman, in consideration of the results of various opinion polls, his performance in this Chamber, and even his recent act of browsing news and stock information during a meeting, it is definitely justify to deduct his one year's emolument. This is not unreasonable. For all these reasons, we have to punish him. His performance is definitely unsatisfactory; his ideology and thinking in policy formulation are not up to the standard. Members of the education sector do not regard him as the leader, or look up to him for hope and direction.

During the past few months since he has assumed office, it happened to be the "double-cohort year" of universities, and the self-financing post-secondary programmes have gone out of control. He should be responsible for cleaning up the mess, but the situation has become even more chaotic and the problems have

yet to be resolved. With three different systems operating at the same time, the Secretary has to listen to views from various parties. Even though he has listened to views, he cannot put forth any solution because he does not have any educational philosophy. As such, he has to learn and explore. He can very well learn and explore, but he should not receive any emolument or apply to this Council for funding. The Secretary has pledged sincerely that he has ideas, ideals and aspirations. No problem. He may insist on having all such qualities, but he should not receive any emolument or apply to this Council for funding because we do not want to spend more than \$3 million to hire an "apprentice" to steer our education policy.

What kind of Secretary do we need? First, he should understand that Hong Kong's competitiveness is based on an excellent education system. The education system in Hong Kong has faced a lot of challenges over the years, resulting in a lot of unnecessary competitions and undue sacrifices, apart from an enormous waste of resources, time and effort of teachers. Eventually, many university students think that the loss outweighs the gain. It is necessary to provide more post-secondary places so as to expand the post-secondary education sector, nurture more talents, consolidate the foundation of Hong Kong and meet more challenges. Unfortunately, the Secretary fails to convince us that he has such ideas. Over the years, the Government has reiterated time and again the goal of allowing 60% of school-age population to receive tertiary education. However, resources allocated by the Government are insufficient. We can only hope for the best.

We request that apart from implementing small class teaching in primary schools, we should also take advantage of the demographic change and implement small class teaching in secondary schools. Furthermore, a detailed review of Hong Kong's integrated education should be conducted, so as to nurture talents on the basis of social consensus, with a view to helping schools to face various administrative burden and pressure. However, Secretary Eddie NG is totally incompetent.

Regarding the recent price increase of textbooks by textbook publishers, the Secretary's response to the media was really ridiculous. He said that as the price increase of textbooks was below inflation rate — we did not expect the Secretary to provide such known-to-all economic analysis; compared with a 3% textbook price increase, a 5% inflation rate was certainly higher — thus, the public did not have to worry.

The Secretary should do his work in education. The fact that textbook prices increase year after year reflects a structural problem. But he has not addressed the problem; he has not tried to analyse the causes of the problem nor helped the community focus on the problem. He prefers to be a commentator. Are we talking about stock prices? Anyone can tell whether the price is high or low. Why did the Secretary not study and consider the problem before making comments?

The way the Secretary conducts his work has led to a waste of our resources, effort and time. Every time he speaks, every word of his would make members of the education sector feel sad and desperate. So, why should he be appointed? In fact, does he realize that the education sector has degenerated into such a plight — this is already a fact — that everybody has to bite the bullet and tolerate Secretary Eddie NG until he steps down? By then, the education sector will not be tortured any longer. On seeing him, we would immediately think that he definitely cannot represent the education sector, and he does not know the need and thinking of the education sector.

Deputy Chairman, the Civic Party supports the amendment to deduct one year's emolument of Secretary for Education Eddie NG.

I so submit.

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

**MR CHEUNG KWOK-CHE** (in Cantonese): Deputy Chairman, I have mentioned to the Chairman this morning that the social welfare sector is now facing the Lump Sum Grant (LSG) Subvention System. Mr Matthew CHEUNG, our Secretary for Labour and Welfare, has failed to urge the Social Welfare Department (SWD) to monitor non-governmental organizations (NGOs) in adopting the Best Practice Manual of the LSG Subvention System. As a result, while NGOs enjoy great flexibility, there is the problem of imbalanced staff establishment for various services. As salaries of staff in NGOs have delinked from the pay scale of the Civil Service, they cannot get the same pay for the same job. Furthermore, their length of service will not be recognized. All in all, members of the whole sector are being plunged into misery and suffering.

Certainly, we have mentioned that NGOs do not know how to handle the 6.8% provident fund provision. Most of the NGOs have all along adopted the 5% contribution rate of the Mandatory Provident Fund. Consequently, there is a provident fund reserve of over \$600 million, which cannot be used by the NGOs and they cannot refund the money to their employees. Hence, the retirement benefits of employees have "depreciated" substantially. There is also another more important problem. Each year, when civil servants have their pay adjustment, the Government will provide the NGOs with an increased amount, in particular the inflation adjusted amount. For instance, last year, civil servants in the middle salary band had a pay rise of 6.16%. However, many NGOs did not offer a pay rise to their employees, or they offered a lower pay rise. According to the NGOs, they have to distribute the increased amount equally among their employees, hence, they cannot offer a pay rise of 6.16%. If this situation continues each year, employees of NGOs will earn much less than their counterparts in the Civil Service. By the time they retire, their retirement benefits will "shrink" substantially. This is the impact of the LSG system.

Let me make a conclusion based on my observation. At present, employers and employees distrust each other and their relationship has worsened. Employees are unhappy because the NGO they work for does not give them fair and reasonable salaries, despite the provision of sufficient funding by the Government. The NGO, on the other hand, considers that it can exercise flexibility and its authority should not be challenged. Moreover, employees are suspicious and jealous of one another, because those who maintain a good relationship with their supervisors may have a higher percentage of pay rise than those who do not have a good relationship with their supervisors. In the past, one could more or less know the salary of his colleague, based on his years of service and academic qualification (a university graduate or an associate degree holder). However, as the salary of individuals is now kept confidential, a sense of mistrust and jealousy may arise among employees, which will seriously affect their co-operation in providing quality service to the public. On the other hand, the NGOs can find more opportunities to make money or even make profits in the name of cost recovery. As a result, people with no money cannot get a wide range of services. Shouldn't social welfare services be provided to the grassroots or those who cannot afford to pay? How come only those who can pay will get the services?

It can thus be concluded that the LSG system has lowered the service standard and service quality. Is our Secretary aware of that? Despite our repeated comments, the Secretary has not taken any actions. I recall that when an review on the LSG system was conducted in 2008, a total of more than 200 submissions had been received, and more than 90% of the submissions considered that the system should be reformed. Yet, according to the findings of the 2008 review, the LSG system could still be implemented. What is the motive of this Secretary? Is he helping the Government to save money by subcontracting the social welfare services while imposing "ceiling" on the grant?

Today, we know that social welfare is a kind of people-oriented service, but the LSG system has attached importance to institutional managerialism, which runs contrary to the notion of people orientation. With the emergence of institutional managerialism, employees can only reluctantly comply with the management. As employees, they have no option unless they work for another institution. To their dismay, the existing some 200 NGOs somehow adopt the same practice, so where can they go? Therefore, some employees choose to leave the sector, while those who stay will have to submit to managerialism. There is also another very serious problem which has been raised for a long time, that is, a succession gap in professionals. Why do we have this problem? As we all know, an employee may have to work in the relevant service for three to five years before he can master the service techniques. Unfortunately, all employees of NGOs are contract staff. In other words, the NGO has the right to ask the employee to leave upon the expiry of his employment contract. Or an employee may work for another NGO which offer an additional \$1,000 every month. As a result, not many employers will stay in the same post for three or five years. Consequently, the service experience and professional knowledge acquired may not be extensive. This is the first point I want to point out concerning the succession gap in professionals. Secondly, supervision is vital in building up professional knowledge. I find that staff responsible for supervision is getting fewer and fewer in number while their scope of work is getting wider and wider. In the past, a supervisor might only be responsible for supervising eight to 10 colleagues. Hence, the supervisor could discuss with front-line staff on a weekly or monthly basis to sum up their experience, as well as review workflows or methods of intervention. However, nowadays, the supervisor has to take up tremendous administrative work at the same time. Instead of managing a unit, he has to manage a major district or region. As a result, attending meetings has taken up nearly half of his time. Do not forget that these



supervisors also have to draft activity programmes or service proposals in order to apply for new resources.

I would like to cite an example which is the competitive bidding system adopted by the SWD. Regarding this system, I remember that in 1999 and 2000, the then Director of Social Welfare, Mrs Carrie LAM told the industry that the LSG system was adopted in anticipation of the increasing number of service applications. The funding provided under the LSG system was based on a median figure. Therefore, NGOs could average out the costs in handling employees with different years of service and salaries. However, we found in 2002 or 2003 that the Government had started to implement another funding system. The competitive bidding system was introduced in addition to the LSG system. In other words, contracts were awarded to bidders with the lowest prices. Of course, the SWD later said that they did not adopt the "lowest bidder wins" approach, instead they adopted a system on value-added services. In other words, for the same amount of \$2 million, if you could provide more value-added services, you would be awarded the contract. Then what are the differences between this approach and the "lowest bidder wins" system? It is just a new name. However, most importantly, it is not possible to average out the costs for new services and old services, as claimed by the then Director of Social Welfare Mrs Carrie LAM. In bidding a new service, it is not possible to average out the cost. As bidding the new service covers a period of five years, the NGO concerned can only request for funding for five years, possibly from the starting point to point 5 on the Master Pay Scale. In other words, these are reimbursable expenses on a yearly basis and averaging out is not possible. Thus, the likely scenario is that old resources are used to subsidize new services.

Recently, I chatted with friends who worked in the sector providing residential care services. According to them, under the new competitive bidding system, the NGOs running residential care homes must bid for a five-year contract. In the first year, the NGO may have some surplus. In the second year, the NGO may break even. Starting from the third year, the NGO will start incurring a deficit. In other words, the final three years are operating with a deficit. In other words, while the Government has granted a lump sum to the NGO, the NGO has to subsidize those services. Is this a reasonable practice? The Government has asked the NGOs to be more accurate and specific in their service plans. However, if you are too specific, you will not be awarded the service contract. Most importantly, the competitive bidding system does not

take into account the annual inflation rate. In other words, the NGO must anticipate the annual inflation rate from the first year to the fifth years. If the prediction is not accurate, the NGO might probably have a deficit in the third, fourth and fifth year. However, if you adopt a higher rate of inflation, you may not be able to win the contract. Therefore, in the past couple of years, winners of these contracts were always very well-established NGOs. Moreover, their Directors and Chairmen are replaced every year, thereby making the money. Does the Government intend to save money or to force well-established NGOs to win more service contracts, so that small NGOs are unable to provide services? This situation arises because of the competitive bidding system, which affects the LSG system mentioned by me just now. When the two systems merge, NGOs, especially small NGOs, worry about running a deficit in the coming two to three years. However, it is interesting to note that there is a \$2.5 billion surplus in our sector. Why do we have such a paradoxical situation? Does the Secretary have the responsibility to review whether the LSG system should undergo major revision; should a formal review be conducted, or should we re-adopt the former practice of reimbursement? Or should the NGOs take the blame for merely seeking the greatest flexibility without paying regard to their responsibilities? At the same time, these NGOs appeal to the Government for assistance.

Therefore, this is a moot point and subject to interminable debate. In the end, the Secretary should take up the responsibility. However, the Secretary did not deal with the matter in the past 12 years. I think his salary should be deducted. Thank you, Deputy Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, Mr WONG Kwok-hing is not in the Chamber now. He has just said that the four Members who filibuster were raising some pseudo-propositions. He pointed out that two years ago, many Members remarked that it was inappropriate to inject \$6,000 into the Mandatory Provident Fund accounts. Later, even though John TSANG made a revision, we still voted in opposition. This is certainly true. When Members, including the Deputy Chairman, asked something from the Financial Secretary and he eventually gave us what we wanted, we would definitely vote in support of him. However, we had all along thought that the relevant arrangement was a natural course of action and we wanted to strive for universal retirement protection and other arrangements. Therefore, we voted in opposition.

But the situation of today is different. I do not want to fuss about the past, right now, I just ask the Government if it can allocate \$50 billion and undertake to implement universal retirement protection in four years. This is a clear bargain. So the example he has given is not appropriate. Even if I stop filibustering, I may not necessarily support him, I just stop filibustering. Well, I will not say any more. I know you will be unhappy if I repeat.

Deputy Chairman, this MONG Kwok-hing<sup>3</sup> ..... Mr WONG Kwok-hing said that the issues we have raised were pseudo-propositions. Let me take a look at his pseudo-proposition .....

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG, just now I have also said that Mr WONG Kwok-hing has strayed away from the question. Please focus your speech on this question.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. It is the same this time. I do not know if Mr WONG Kwok-hing would support my suggestion proposed in Amendment Nos 91, 98, 105 and 107 to deduct the salaries of the relevant officers.

First, should the salary of the Secretary for Labour and Welfare be deducted? It is really a shame that he has not heard the speech by Mr WONG. For those officials ..... Mr WONG said on 24 October 2012 that what the Labour and Welfare Bureau had done was like a modern version of "exchanging a leopard cat for a prince" and a departure from the original intention in CY's election platform. What did he say? He said, and I am just quoting his words. "In page 33 of LEUNG Chun-ying's platform, under the section 'Supporting the elderly and providing for their needs', what is originally written is as follows: 'Retirement protection — We will build on the existing Old Age Allowance scheme and introduce a special allowance for the elderly who are in need so that they can receive about double the amount of allowance (\$2,200) every month after a simple declaration of income and assets. Subject to that, the existing Old Age Allowance scheme will remain unchanged.'" That was what he said at that

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<sup>3</sup> Mr WONG Kwok-hing is nicknamed "MONG Kwok-hing" (亡國興) which means "the fall of a country" in Chinese since his surname "WONG" (王) rhymes with "MONG" (亡).

time. What did he say afterwards? He said that for officials of the Labour and Welfare Bureau, "when a policy is devised at the top, there are always ways of getting around it from below". He said that if the Old Age Living Allowance (OALA) was to be means-tested, this was a deviation from the original intention of CY. This was obviously an accusation, but the Labour and Welfare Bureau did not hear this. As for Mr WONG Kwok-hing, he had cast another pseudo-vote again. Despite his strong opposition, he slipped away from the Chamber amid the confusion. I have checked the records of the meeting which passed the motion on the OALA and found that he had slipped away. At that time he put up a very forceful opposition and he even considered it a crime.

Then in the same speech, he pointed out to Matthew CHEUNG equivocally, "Secondly, if elderly persons aged 70 and above are required to undertake a means test, the negative impact to be created can be summed up into six sins." He then talked about the six sins. What is the first sin? It "causes division among the elderly and creates a labelling effect". This is what he said. Well, buddy, what is past is past. While my first filibustering failed, the OALA is still in existence, and it is still causing social division. Then will he support my proposal to reduce the salary of Matthew CHEUNG?

The second sin is more serious. I quote his words "The second sin is that it penalizes those elderly persons with good virtues, such as persistently scrimping and saving, making preparations for rainy days and achieving self-reliance for a lifetime." He gnashed his teeth in saying the second sin.

Regarding the third sin, in his words, "it encourages people to develop the bad habits of not saving money but squandering money and even spending money before earning it. A rebellious mindset will also be developed." I do not know if he is right when he thinks that the elderly persons are all rich and can afford to lead an extravagant life. I do not know how come he gets this idea. But he is clearly scolding the Labour and Welfare Bureau for deviating from the original intention of CY and failing to see the needs of the elderly.

The fourth sin is even more terrifying. "It causes many family problems which can damage family relationships. Some couples have said to me recently that the limit for a couple is \$281,000 whereas that for a single applicant is \$186,000. Does it mean that they should get a divorce? A divorce will enable them to be eligible for applying for the "special fruit grant" as two individual applicants. This will create many unnecessary conflicts." This is the fourth

sin. Where is he now? Is this not a pseudo-proposition? He has done nothing after making such remarks. Either the Labour and Welfare Bureau has not heard his words or he has not put forward his views again to the Labour and Welfare Bureau. Or else how come the four problems remain unsolved?

Then, the sixth sin. This is quite similar to what I think. He says, "The sixth sin is that it is retrogression. The Secretary (that is, Matthew CHEUNG) once said in the City Forum that the healthcare vouchers had followed the practice of the 'fruit grant' by exempting elderly persons aged 70 or above from any asset test, but the Government is now back-peddalling. This is, therefore, most unreasonable." He said that the purpose of our pseudo-proposition is to urge the Government to do something. But even if the Government has taken action, we will not stop filibustering. This is wrong. Regarding the fact that they had proceeded to vote before their objective was met, I cannot teach them how to behave like a human being. Therefore, it is wrong for Mr WONG Kwok-hing to label our proposition as pseudo-proposition.

The best thing is to speak with reason. Lastly, he made a conclusion — the Secretary for Labour and Welfare is not in attendance and only Paul CHAN is present. I have just cited from his forceful speech and I will cite more later. This is what Mr WONG Kwok-hing said on 24 October 2012, just half a year ago. He made a very good speech then, but I do not have the time to quote it. He said, "Thirdly, the Government said that society would have to bear the cost if a means test is waived. In fact, it is most important to put in place a retirement protection system." His argument was very convincing. Then what did he say? As we all know, men should speak out boldly what they have in mind. He said, "We in the FTU already proposed to the Government 31 years ago the setting up of an integrated retirement protection system. In 1986, we proposed the establishment of a central provident fund, and we further proposed in 1994 an integrated retirement protection system to ensure a secure old age for the elderly, but the Government has along dragged its feet ....." Then the records show that "The buzzer sounded". Had it not been so, I think I will read a few more paragraphs.

Deputy Chairman, the filibuster will be cut off today. Members can be relieved. Mr WONG Kwok-hing said that we cause disturbance in society and we propose pseudo-propositions. He also accused us of telling lies to the Government. Then is he telling the truth to the Government? In the course of the debate, I think Mr WONG Kwok-hing should support me. But I cannot help

it, I do not know why, it seems that he has taken the wrong drugs and forgot everything all of a sudden. It is like he has drunken the water from the well of forgetfulness. To be frank, I am not begging Members to support me. I am speaking to the Government, the Secretary for Labour and Welfare, Mrs Carrie LAM and John TSANG. They are the three persons whose salaries are to be slashed. Whenever he meets me, that is, when we bump into each other, he would pat me on my shoulder and say, "Long Hair, what have you got in your mind?" I would tell him that universal retirement protection should be implemented. This is no joke; otherwise, we will have to bear the consequences. He may think that I will have to bear the consequences. This is because when I filibuster and he disagrees, I would be accused of causing disturbance to Hong Kong.

This is the case every time. When LEUNG Chun-ying comes to this Council, he again requests for the implementation of universal retirement protection. Mr WONG Kwok-hing, he keeps scolding me today. As I have said, I am bearing the humiliation and disgrace because I know very well that someone would take advantage of the situation. If I do not do so, I would have left the Chamber in protest. Now he is talking nonsense again. I am sure he will speak later.

Deputy Chairman, I speak from the bottom of my heart. The filibuster will end soon as it has been cut off. On 7 December last year, after the filibuster was cut off, I was interviewed and at that time I was still not quite awake. I was asked what plans I had in mind when the filibustering was over. I said this was not a question of winning or losing. The problem was the well-being of the elderly. At that time, I hoped other Members could roll up their sleeves and do something. They should negotiate with the Government and it would be desirable if the asset ceiling for the OALA could be raised. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) suggested that the ceiling should be raised from \$186,000 to \$300,000. The Liberal Party suggested that the ceiling should be set at \$500,000. The Federation of Trade Union (FTU) and the pan-democrats held that no means test should be put in place. Did he say these remarks on that day?

When I met with the Financial Secretary, I told him I would propose to deduct his salary the following week. He said, "Member, if I agree to your proposal, that will be unfair to other Members." I said, "How come it will be

unfair?" He said, "I have discussed with them and they support my Budget. If changes are made after a hasty talk with you, would it be fair to them?"

Deputy Chairman, everything has been settled. I can still propose to study the issue afresh. Simply put, what Mr WONG Kwok-hing has said is a pseudo-proposition because nothing has been done to follow up. The Financial Secretary told me that he had settled with them and no reform would be carried out. In other words, both the DAB and the FTU would vote for the passage of the original proposal regarding the OALA and a means test would be carried out. This was exactly the approach that Mr WONG Kwok-hing condemned. Regarding universal retirement protection or a central provident fund which he advocated, nothing was implemented. They talked about having to commit, but what in fact did they commit? As Legislative Council Members, we know that to commit does not mean approve the funding immediately, but earmark \$50 billion to be used when the plan is to be implemented. This was the case regarding the mandatory healthcare insurance scheme in 2008 where a reserve of \$50 billion was earmarked. If the mandatory healthcare insurance scheme was endorsed, a reserve of \$50 billion would be earmarked to alleviate the financial burden of the contributors. What have I done wrong? The FTU has claimed that it has been striving for decades, then came Mr WONG Kwok-hing who did not know what he was talking about. I really want him to return to the Chamber and answer me. Was he serious when he made his speech on 24 October 2012 of? As he had eaten his words, he should eat his script, such that he needed not mention again. If he had problems in swallowing down his script, just drink some water and swallow it with a gulp.

Deputy Chairman, just now, you asked him not to speak. But I would rather hear him speak more. Deputy Chairman, the subject of this debate is that the Chief Secretary Carrie LAM, Secretary Matthew CHEUNG and Secretary Prof K C CHAN have not fulfilled their duties. Secretary Prof K C CHAN is responsible for government accounts. If Members do not believe me, they can ask Secretary Paul CHAN. In 2011, he gave Secretary Prof K C CHAN a dressing down. Does he scold Secretary Prof K C CHAN now? I do not think so. At that time, he rebuked Secretary Prof K C CHAN for being a miser.

Deputy Chairman, I know that "Yuk-man" and "Hulk" could stand no more and have left the Chamber in protest. Well done. I stay behind to fight with this despicable person who has gone back on his words — Mr WONG Kwok-hing. I will not talk about it now. I request a headcount. I get angry,

ask him to come back. For the person who "stays up day and night and night and day", may his soul return. Deputy Chairman, I request that Rule 17(3) of the Rules of Procedure be invoked to summon that person who "stays up day and night and night and day" back.

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

(When the summoning bell was being rung, Mr WONG Kwok-hing posted some slogans and talked)

**DEPUTY CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, I wish to remind you that although the summoning bell is now being rung to summon Members back to the Chamber, the meeting is still going on. Please keep quiet.

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

**DEPUTY CHAIRMAN** (in Cantonese): Will Members please return to their seats.

**MS CYD HO** (in Cantonese): Deputy Chairman, I speak on Amendment No 663 proposed by Mr LEUNG Kwok-hung. The amendment is to reduce the expenditure under head 160 in respect of subhead 000, that is, to reduce the annual estimated expenditure which is roughly equivalent to the starting point salary of the Director of Broadcasting.

The serving Director of Broadcasting is Roy TANG and he is an Administrative Officer (AO). He does not have training in the media at all. He did not major in journalism or communication in his university studies. Upon graduation, he worked as an AO. His past working experience is totally unrelated to the media. Apart from public administration, he also speculates on commercial premises and has accumulated a wealth of some \$100 million. But all these have nothing to do with the media work. After failing to identify a



preferred candidate through open recruitment to take up the post of the Director of Broadcasting, the Government "parachuted" an AO in to fill the post instead of promoting a serving staff who is well experienced in public broadcasting. Does Roy TANG have a political mission, we have no proof, but his performance would make people come up to such a conclusion.

The Radio and Television Hong Kong (RTHK) is well trusted and loved by the people of Hong Kong. The reason for that is simple. RTHK symbolizes the freedom of the press and speech in Hong Kong and it promotes a diversified culture. Diversity is very important, because when our society becomes more and more polarized, it is not possible to hold discussions on many issues. Just like in this Council, those who speak are regarded as supporters of the filibuster and those who do not speak repeatedly are regarded as supporters of cutting off the filibuster. As a result, when we speak in this Council, we are either supporters or opponents of the filibuster. The meaning of speaking in this Council has been lost, and the Council has been degenerated into a place for filibustering and cutting off filibustering. We certainly do not want to see such a situation.

The greatest contribution of RTHK is that it helps promote a diversified culture, so that media organizations will not have to operate under commercial pressure. Hence, they can enjoy a greater room for freedom of speech. Unfortunately, since 1997, there are mounting political pressure. In order to face such political pressure, we need a veteran media practitioner with devotion and commitment to be the Director of Broadcasting, so that he can fend off political pressure and defend freedom of speech in Hong Kong. Regrettably, the incumbent Director has no experience in media work; worse still, he is the one who suppresses editorial independence within RTHK and freedom of the press. The Government seems to be delighted, and as the Chief Secretary Carrie LAM has said, this was an internal matter of RTHK, a communication problem between the staff and the Director. This saying is wrong. This is a problem of communication breakdown between the staff and an AO. The only solution is to transfer the AO to another department.

There should be a Director of Broadcasting in RTHK. But if the Government only parachutes an AO in to fill the post and it is not willing to identify someone within or without RTHK with public broadcasting experience to serve as the editor-in-chief, it is not a great loss if the post is deleted. Mr Roy

TANG is not qualified to serve as the editor-in-chief in terms of his academic qualifications and experience; in fact, given what he has done in recent years, RTHK staff members are even not willing to accept him as the management class. Let me explain in detail.

First, he questioned the placing of an empty seat in City Forum during the discussion on national education, saying that this would cause embarrassment to the absentee. In fact, the absentee was the official in the Education Bureau in charge of national education. Despite repeated invitations, the official refused to attend the programme and engage in a dialogue with members of the public and people holding different views. Certainly, an empty chair should be placed. Furthermore, the City Forum is not one-sided, every time when the City Forum is held, there is a cheering team of pro-government participants who either come to the venue on their own or being mobilized. On the other hand, the City Forum is not a friendly venue for the democratic camp. The democrats respect difference in opinion and stance and they respect everyone who takes part in the discussion. But it is becoming harder and harder to defend this kind of mutual respect in the City Forum. It is because of this empty chair incident that the production crew of the City Forum had to write a report.

The second case is the HITLER incident. Some production staff once thought of using the HITLER figure to satirize current affairs. This idea was raised during a brainstorming session, but was abandoned by the production crew. However, this Director of Broadcasting asked the production crew to submit a report to explain why they had such an idea in the first place. This was a suppression of the freedom of creation.

As we know, during a brainstorming session, people may let their imagination run wild. They may come up with many ideas which cannot be implemented, or even impracticable. If we encourage creativity, as the whole territory is now claiming to encourage creativity, but there are so many land mines and restrictions during brainstorming, how would one dare to raise creative and innovative ideas? This is a classic example of a layman AO trying to suppress the creative people who are experts in the field. Of course, the request for an explanation was a typical administrative approach. He wanted to know if any photographs had been taken of the aforesaid figure, whether there were any costumes and props and how should these costumes and props be handled, as well

as whether there would be any wastage, and so on. Why did he not concern about safeguarding creativity? As the production staff had already given up the idea on their own initiative, why did he not worry that they dared not put forward other even more creative ideas in future?

The last straw of all these events is the termination of the acting appointment of SZE Wing-yuen as the Assistant Director of Broadcasting by Roy TANG. As disclosed by RTHK staff, because SZE Wing-yuen refused to carry out these political missions, Roy TANG terminated his acting appointment. At that time, the Legislative Council Members hoped that RTHK staff would come to this Council and disclose more information to the public. Unfortunately, RTHK staff indicated that they would only speak out if they were protected under the Legislative Council (Powers and Privileges) Ordinance. Deputy Chairman, as you know, that Ordinance is really an antique covered with dust, only a slight touch will smash it. We cannot invoke the Ordinance in many incidents, and the RTHK incident is no exception. Therefore, the damage done to RTHK is even greater. Many questions are still left unanswered, that is, apart from Roy TANG, how many people are involved in conspiring to suppress freedom of the press, freedom of speech as well as independence in editing and reporting? No one knows up to this moment.

There are other events. After the filming crew members of the programme LegCo Review were beaten up by stability maintenance people in Beijing on 8 March when they interviewed the wife of LIU Xiaobo, the Director of Broadcasting only issued a light-worded statement. He did not even attempt to make great efforts to defend the personal safety of reporters or front-line editorial or reporting staff.

Deputy Chairman, deploying an AO with such caliber to work in RTHK will do no good except hamper creativity and disrupt editorial independence. He only serves for the Government, playing the role as a suppressor. This is not what the society of Hong Kong wants. What we want is a RTHK which can bear the responsibility for providing public broadcasting services. While RTHK is still a department under the existing framework of government structure, we hope that RTHK, both its radio or television sections, can bear the responsibility for public broadcasting services as they had done in the 1980s and 1990s.

We support the editorial independence and autonomy and we support a RTHK with a backbone. The Director of Broadcasting Roy TANG who has no experience, capabilities and commitment, and who only cares to suppress the freedom of the press and freedom of speech, as well as the editorial and reporting staff, should be transferred. And if the post of the Director of Broadcasting is to be taken up by another AO in future, we might as well delete this post.

**MR ALBERT HO** (in Cantonese): Deputy Chairman, I speak in support of reducing the salary of the Secretary for Constitutional and Mainland Affairs.

As we are all aware, one of the most important duties for the Secretary for Constitutional and Mainland Affairs, especially at this moment in time, is to try his best to promote a constitutional reform, so as to ensure its success. By success, it means to put into practice dual elections by universal suffrage and implement the timetable proposed in 2007 by the Standing Committee of the National People's Congress (NPCSC). The implementation of this timetable will not only fulfil the expectation of the people of Hong Kong, but also honour the pledge made by officials at the central and district levels and that is, the universal suffrage should comply with the principles of universality and equality.

This duty is very important and as we know, since the reunification, one of the issues that has caused serious social division and conflict is constitutional reform. Hong Kong has been waiting painfully for a long time before our Chief Executive can be elected by universal suffrage in 2017. We have to be well prepared for realizing this goal, such as formulating the legislation. We should not disappoint the people of Hong Kong and many people in the international community, who ardently hope that the timetable on universal suffrage as set by the NPCSC can be implemented.

But, we are indeed very disappointed ..... It is now 2013 and the constitutional reform package that we have to formulate includes reforming the Legislative Council in 2016 and returning the Chief Executive by universal suffrage in 2017. Actually, not much time is left. Members of the community have expressed great concern about many issues and they are greatly worried about the possible serious disputes concerning what is meant by genuine universal suffrage. In respect of returning the Chief Executive by universal suffrage, what is the nomination procedure? What are the so-called democratic

procedures adopted by the nomination committee in determining who are eligible to stand for the Chief Executive election? Evidently, consultation work is pressing. Previously in Donald TSANG's times, he would first conduct consultation, and after gauging public views, he would submit a report to the Central Authorities requesting for the activation of constitutional reform, then the three-step mechanism would formally kick off.

Therefore, the first step of gauging public views is very important; and in gauging public views or prior to gauging public views, a comprehensive consultation should be conducted, so that people from all sectors can have an in-depth discussion. Hence the Secretary is duty-bound to promote this kind of discussion, he should strive to foster a consensus in Hong Kong. We are very disappointed that the Secretary for Constitutional and Mainland Affairs has not fulfilled his duty and up until now, he is still stalling on conducting the consultation. Of course, Members may say that this is the instruction of the Chief Executive, as the Chief Executive himself may not want to conduct any consultation, or maybe he is waiting for instructions from Beijing. In any case, one of the most important duties or even the most important duty of the Secretary for Constitutional and Mainland Affairs is to take forward constitutional reform. If he cannot accomplish this task, what is the point of creating this post? We are also aware that when the Secretary for Constitutional and Mainland Affairs is to consult the public on constitutional reform, he may have to face many controversies, such as the concepts of "universality" and "equality". Many people used to think that there should not be any arguments over these concepts, but it is surprising to note the arguments on what is meant by "universality" and "equality".

I remember that in 1999, two years after the reunification, the Government of the Hong Kong SAR had to submit a report to the United Nations Commission on Human Rights pursuant to the International Covenant on Civil and Political Rights. It was stated clearly in the Report that functional constituencies were a transitional arrangement for the Hong Kong legislature to move in the direction of universal suffrage. The wording used was clear enough and functional constituency was a transitional arrangement. Hence, if our interpretation is based on the objective of gradual and orderly progress, the seats returned by functional constituencies should be reduced by phases, as it was only a transitional arrangement.

During the first 10 years after the reunification, the proportion of seats returned by universal suffrage had gradually increased, while the proportion of seats returned through functional constituencies had decreased. To reach the goal of returning the Legislative Council by universal suffrage, functional constituencies must be abolished, so that all seats in the Legislative Council can be returned by direct elections. This point is indisputable. In fact, in 2000, we all hoped that there would be dual elections by universal suffrage in 2007 and 2008. At that time, the three major political parties in this Council — the Liberal Party, the Democratic Alliance for the Betterment and Progress of Hong Kong and the Democratic Party which took up most of the seats, at least the seats returned by direct elections — shared the same aspiration of having dual elections by universal suffrage in 2007 and 2008. There were no disputes about that. We all considered that functional constituencies should be abolished, and we did not have any argument on this point. To our surprise, in 2013, there are disputes over this issue.

Moreover, with respect to election of the Chief Executive by universal suffrage, we expect that the people of Hong Kong should at least be given a genuine choice. Therefore, there should not be any unreasonable restraints on the nomination of candidates. This is exactly what is stated in Article 25(b) of the International Covenant on Civil and Political Rights and that is, these periodic elections should be without unreasonable restrictions. The Commission on Human Rights also clearly stipulates that the requirement of "without unreasonable restrictions" mainly applies to nomination. As for other characteristics of periodic elections mentioned in Article 25(b), such as secret ballot, universal and equal suffrage, and so on, is there any need for argument?

The situation we have now is weird. What exactly are we arguing? Why is the political atmosphere in Hong Kong so tense? Why have so many people stepped forward and declared that they are prepared to initiate the Occupy Central movement if they find that they have been deceived by the NPCSC and that the timetable set out by the NPCSC is nothing but a blatant lie? This will certainly impair Hong Kong's image and people may even think that this will affect social stability. In such circumstances, the Secretary for Constitutional and Mainland Affairs as well as the Chief Executive should make every effort to dispel such worries and iron out the differences. They should foster a consensus and do their best to ensure that the timetable set out by the NPCSC can be put

into practice to comply with public expectation and international standards. Then everything will be fine and we will not have so many arguments.

The filibustering today has, to a certain extent, reflected the undemocratic nature of the system, and as a result many problems have remained unsolved. As Members do not want to amend the Rules of Procedure, filibuster has become a tool adopted by some Members to challenge the unfair system. Moreover, as many areas of the Rules of Procedure cannot be improved, there is much room for Members to manipulate this tool.

As we all know, if the problem concerning constitutional system cannot be rationalized, this kind of dispute will be endless and deep-rooted problems will arise at different levels. Therefore, the prime duty of the Chief Executive and the Secretary is to handle constitutional reform. They should implement a real election by universal suffrage after taking into account public opinion and the state of development in Hong Kong society, as well as the expectation of the people, including the local and international communities. But up to now the Secretary for Constitutional and Mainland Affairs and his boss the Chief Executive still dare not conduct any consultation. Perhaps they might be influenced by the remarks made by QIAO Xiaoyang, Minister of the legislative affairs commission of the NPCSC on who were qualified to stand in the Chief Executive election. According to QIAO, people who did not love the country and the Party or who confronted with the Central Authorities should not be allowed to stand for the election. He also said that no consultation should be conducted before a consensus was reached on this issue. Is the Secretary's unwillingness to conduct any consultation due to such remarks or was he instructed not to conduct any consultation? If this is the case, how can he be considered eligible for this post? It turns out that he is only a puppet and he only act as instructed. Why do we need such a Secretary? Why do we have to pay him salary?

In addition, we are very unhappy about the demarcation of constituencies. With respect to constituencies in the Legislative Council election, we had clearly conveyed to the Secretary during the last term our objection. His performance was very disappointing. But I will not talk about this issue because after all, this is a problem in the previous term. However, I wish to point out that the Secretary also handles Mainland affairs and his performances in certain incidents were disappointing. For example, Hong Kong reporters are repeatedly hindered

from reporting when they were on the Mainland; worse still, they were attacked, beaten up and arrested by certain law-enforcement officers not on uniform. These people are obviously law-enforcement officers and they have acted brazenly to hinder the reporting work of Hong Kong reporters and affecting their personal safety. But up to now, the Central Government has not made any official and satisfactory explanation and an investigation report to be released to the public is out of the question. What has the Secretary for Constitutional and Mainland Affairs done? How can he face the people of Hong Kong? If he cannot even protect Hong Kong reporters in discharging their reporting duty on the Mainland, how is he going to make himself accountable to the Hong Kong people?

(THE CHAIRMAN resumed the Chair)

Moreover, many Hong Kong citizens are detained on the Mainland because of commercial disputes. Many of these detainees have not yet been transferred to the judiciary and we have not been able to make arrangements ..... The SAR Government also fails to get the consent of the Mainland Government and permit family members of detainees to visit them. Some Hong Kong citizens have been detained for two years but have not yet been transferred to the judiciary and no formal charge has been laid on them. Hence, their family members cannot visit them. The SAR Government fails to fight on their behalf for certain basic matters such as the right to visit detainees. On the contrary, this right to visit was possible during the British rule and at least the British Government would send people from the embassy to visit these detainees. However, this is not done now.

Finally, I am very disappointed to see that a number of people with different political views, including some Members of this Council — me and many Honourable colleagues sitting next to me — are unable to go in and out of the Mainland and exercise their rights as citizens. In this respect, what has the Secretary done for us? Has he fulfilled his duties and fought for our entitled rights?



**DR FERNANDO CHEUNG** (in Cantonese): Chairman, my speech is related to the Secretary for Labour and Welfare and the Secretary for Food and Health. Of course, I also express my opposition to your ruling to forcibly cut off the filibuster which I find deeply regrettable.

Chairman, I wish to talk about an incident that happened to me recently, which is related to the policy on welfare and healthcare. Chairman, I believe you also know that my daughter is a severely mentally handicapped person. She cannot talk and her physical needs and daily life have to be taken care of by us, her parents, or our domestic helper. Recently when we brushed her teeth, she struggled hard, apparently because she had toothache. One morning, when I and my wife brushed her teeth, we checked her teeth carefully and found that one of her teeth had decayed so badly that the crown was gone with only the root left. We did not know where the crown was. She might have swallowed it. We were worried and did not know what to do because she had toothache and needed dental care.

When she was still in school, she had dental care but since she left school after turning 18, she can no longer enjoy the dental care service. We phoned The Prince Philip Dental Hospital and were fortunate enough that an appointment could be arranged for her soon. The dentist was very kind. He said that my daughter needed dental surgery but because of her mental condition, she needed a general anaesthesia during the operation and it had to be carried out in a public hospital. We have to wait for an appointment in a public hospital for my daughter to undergo an operation with a general anaesthesia to fix her dental problem as soon as possible. The earliest available date is in October. I am deeply worried about my daughter's condition. I do not know how serious her toothache is as she cannot express herself. If we follow the normal channel, we have to wait till October to have her problem fixed.

This dentist told me, as he knew my daughter and he had a special connection, he was able to make such an arrangement expeditiously. According to him, in similar cases one might normally need to wait two years to get an appointment in Queen Mary Hospital to consult the dentist. Chairman, I am talking about waiting two years for an appointment with the dentist for a consultation and then wait again to undergo a surgery in hospital. I asked him what we could do if we could not wait that long. He suggested that we should try to seek treatment in private hospital. We consulted a private dentist and he arranged for us to meet with an anesthetist. After learning about my daughter's

condition, the anesthetist agreed that the surgery had to be done in a hospital but such a surgery could not be carried out by that private dentist. That is to say even though I found a private dentist, he would not perform this kind of surgery; and even if he would, for such a surgery to be performed in a hospital, it is estimated that the basic medical expenses will be over \$30,000.

This is only a very simple situation concerning a mentally handicapped person who needs dental treatment, but in Hong Kong, the patient has to wait a very long time to get the treatment unless he is very rich and can afford tens of thousands of dollars at any one time. But even if one has the money, he may not always get the treatment. I know that in some cases, even if the patient wants to a private dentist to perform the surgery, he may not be able to find a dentist who is willing to do so. Why would this happen in an international metropolis in the 21st century?

**CHAIRMAN** (in Cantonese): Dr CHEUNG, which head of expenditure are you speaking on?

**DR FERNANDO CHEUNG** (in Cantonese): I am speaking on healthcare and labour welfare.

Last Saturday, I attended a seminar held by Mr CHEUNG Kwok-che on the ageing of the mentally handicapped. It was the third or fourth time that I attended this type of seminar. In the past five or six years, some community organizations, Members and academics have suggested that we should narrow down the scope and focus on the mentally handicapped and the difficulties that they are currently facing. We find that as the mentally handicapped are advancing in age, so are their carers. What kind of problem has arisen? The facilities of residential care homes cannot meet their needs. For example, the space between beds is wide enough to let wheelchairs pass through. We are not talking about private institutions but subvented ones. We have raised the problem for five or six years, but the Government has yet to address the problems, such as inadequate basic hardware, manpower shortage and the lack of facilities.

The institutions cannot hire sufficient staff. They cannot hire workers to take up the front-line work. Among the 8 000 posts of front-line workers to

provide care services for the elderly and the disabled, there are 1 000 vacancies. At present, among the 7 000 front-line workers, over 50% are over 50 years of age. No one is willing to take up this kind of work. The problem that we are facing now is not the shortage of professionals such as nurses and occupational therapists but the disastrous shortage of front-line staff to provide basic care. The situation of private institutions is even worse. What is the cause of these problems? Do we talk about these problems today? As the mentally handicapped grow old, they will have various physical and mental problems and they need suitable medication, healthcare, hardware facilities and manpower. Who will handle these problems? Have these problems been tackled?

The Commissioner for Rehabilitation told us the day before yesterday that the authorities would study the relevant data and analysed them. What data are they studying? The findings of the latest study on the disabled are contained in the Special Topics Report No 48 and the report was published five years ago in 2007-2008. The number of mentally handicapped persons was just an estimate. Even the Census and Statistics Department also admitted that the number was not accurate as it was based on estimation.

When faced with a social need, why does the Government not even try to get hold of the basic information? Why does it not even make an effort to find out the present needs of the community? It does not have an idea of the number of people affected, not to mention their needs. There is no planning and the Government refuses to do anything. The community has put forward many views and raised many questions. Two years ago, there was a case in which a mother aged over 70 took care of her 44-year-old mentally handicapped daughter all by herself and they had no other family members. The daughter was rather fat and she died from a fire that broke out early one morning. What had happened? On that morning, the mother went out to collect rubbish; she did not wake her daughter up as she wanted to stay in bed. Unfortunately, a fire broke out due to short circuit of electrical installation. The daughter was killed as she could not escape on her own. Their home was full of waste paper and rubbish. How could society allow such disasters to happen? How come this carer, the 77-year-old mother, had no one to help her?

At present, how long does a mentally handicapped person or a severely physically handicapped person have to wait for a place in a residential care home? Chairman, they have to wait 12 or 13 years, which is downright outrageous and

totally unacceptable. I had asked Mathew CHEUNG at a meeting of this Council to look squarely at the present problem, to make plans and set a target. Now that the Government sets the target that public rental housing applicants can be allocated a unit in three years, why does the Government not set a target for these elderly persons and disabled persons, who have even more pressing needs for residential care? Recently I have handled a case in which the mother has cancer and the daughter whom she takes care of is an adult over 20 years old. As the mother can no longer take care of the daughter, she has to apply for a place in an institution for her daughter. However, Chairman, even if the daughter is on the express list, she still needs to wait five or six months, and where can she stay?

How come our social welfare system has turned into such a state? More and more people are on the waiting list, and the problems involved are obvious to all, but what has the Government done? The Government says that it will do its best to help but how has it helped? It has helped to develop the private market. It has mentioned about buying places for persons with disabilities. Just now, we have also talked about the implementation of Part 2 of the Residential Care Homes (Persons with Disabilities) Ordinance. Let us look at the lesson we learn from the private residential care homes for the elderly. What are the qualities of these private homes? If we have to depend on the private market but the Government is unwilling to undertake responsibility and keeps talking about the market operated jointly by the Government, the businesses sector and the public, can the market solve the problem? The market in overseas countries is different in that high-end services are provided by the private sector while the Government provides the basic services. However, under the leadership of Mathew CHEUNG, our Government keeps shirking its responsibility. I do not know to what extent can Mathew CHEUNG exercise his leadership, he may only take orders from his superior, causing suffering and tragedy to many people.

At the seminar on Saturday, I saw many grey-haired carers. These mothers still have to take care of their adult children whose physical conditions are on the decline. We should bear in mind that persons with disabilities usually age earlier than ordinary people. According to many overseas studies, that persons with mental or physical disabilities have signs of ageing in their forties or fifties. For those who have Down's Syndrome, for example, they have a higher tendency to suffer from dementia and these conditions have been documented and proven by research findings.

As such, what have we done? We are still relying on community organizations, the academics or even doctors to tell the Government, "It does not work. The demand for services is ever increasing and the situation has become increasingly complicated. Please have a proper planning. How are we going to take care of these people? Do we have sufficient manpower, institutions and resources? What should the Government do? Has the Government any planning?" The Government abandoned the comprehensive social welfare planning. After the reunification, it implemented the Lump Sum Grant Subvention System and completely discarded the 10-year or five-year rolling service planning. In the past, in respect of services for young people, social security for old people, rehabilitation services, as well as services for offenders, family and children, a respective five-year rolling plan was formulated. Under the plan, the needs for the next five years were projected, and the relevant stakeholders, namely the service providers, users and the Government, would discuss the plan together.

Since the implementation of the Lump Sum Grant Subvention System, the rational planning mode and comprehensive planning were all gone. What is left is the will of senior officials. They claim that the system is more flexible, but in what way is it more flexible? There is in fact no regulation. Once the local economy slows down, all expenses will be cut, including the manpower, resources or the premises. I teach at The Hong Kong Polytechnic University. It is the only college that trains physiotherapist, occupational therapists and radiation therapist. For a period, it was also the only college to train nurses. After 2003, all places for these programmes had significantly been reduced between 50% and 60%; today, the numbers of respective places were only back to the level in 1997. Isn't that disastrous? Who should be held accountable for that? When we ask for manpower, there is none; and we ask for land, there is none either, all because our Government is unwilling to plan. Then, who should bear the responsibility? They are now all hiding up and say that we should discuss and strive for it. Even the Government talks about striving for the resources required. Isn't that absurd?

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

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, today we are still discussing the deduction of salaries. Of course, we strongly oppose the deduction of salaries of civil servants because we still think that they should remain neutral. However, we find that the neutrality of one civil servant is questionable and he is the Commissioner of Police (Commissioner).

We are now discussing Amendment No 390 which is to reduce head 122 in respect of subhead 000, the annual estimated expenditure for the salary of the Commissioner at the starting pay point, which amounts to over \$2.6 million. Why should the Commissioner's salary be reduced? That is because we think his salary should be directly paid by the Central People's Government, making him part of the stability preservation establishment.

It is appalling that Hong Kong has sunk so low. Of course, the latest example, which the Chairman is also aware of, is that the Commissioner has classified the arrest of people into high-profile arrest and low-profile arrest. I wonder how many people have been arrested in a low-profile manner. Some people may think of asking the Commissioner if they are on the list of wanted people to avoid being ignorant and then get arrested in a low-profile manner. Chairman, it is absurd that they have turned the situation into such a farce.

The Commissioner himself should respect the rule of law and he plays the most important role in this respect. However, he did not seem to have this concept when he suddenly charged a volunteer worker of the Occupy Central movement based on an incident that happened two years ago. Of course, the Commissioner claimed that the arrest had nothing to do with the Occupy Central movement; if so, what had it to do with? Perhaps he was referring to the crime that she committed two years ago. However, other persons involved in the incident two years ago had all been arrested and tried in court and the whole incident was already over.

Mr LEUNG Kwok-hung said that even the Court ruled that the incident was almost over. He would certainly look for the relevant audio recording as a proof. The prosecutor said that all those involved in the case who should be prosecuted were arrested and they were the last batch to be handled. It would be great if the audio recording of the trial could be found. But why did the Commissioner suddenly want to open a case which was closed two years ago and arrest someone? This is very unsettling.

We consider this approach arbitrary. Someone described that the situation as depicted in the novel *1984* by George ORWELL "The Big Brother is watching." The "Big Brother" is watching and he will arrest anyone at any time. Once someone makes a wrong move, he will arrest that person on the ground of some incidents that happened long ago. I wonder if I or anyone of us in this Council would be arrested some day because we have not been charged or arrested for some past incidents. In other words, the police can do whatever they like at any time. When the Commissioner can get his way like that, the people of Hong Kong will lose their entitled rights and human rights as they can be arrested anytime.

I was of course joking when I complimented him for setting up a crime prevention team for the Government, as in the movie *Minority Report*. As he can foresee the future crimes and foresee that crimes will be committed in the Occupy Central movement, he takes pre-emptive action and arrests the persons in question, so as to prevent them from breaking the law in the future. It may be possible that the police have advanced to such a stage, just that I do not know about it. The Commissioner has blatantly covered one lie with another. He was obviously carrying out political prosecution but lied to cover it up his deed, saying that it was a low-profile arrest and hence it was not political prosecution. But it was obviously a lie.

As we all know, the person who was arrested recently was a former journalist and she had posted a photo on Facebook taken with Secretary Paul CHAN. Perhaps even Secretary Paul CHAN was not aware that he had taken a photo with a wanted offender. LEUNG Chun-ying might not know that she was a wanted offender as he had been interviewed by her. How can the police act in such ridiculous way? How can such incident ever happen?

Therefore, this case reflects the practice of the Commissioner and he has no credibility whatsoever. Of course, my demand to deduct his salary is based on this case alone, there are many cases that I can cite. When we think of how the police treated the demonstrators who tried to exercise their right to freedom of expression during the visits of LI Keqiang and HU Jintao to Hong Kong, we would have an even stronger feeling that his salary should be paid out of the expenses on stability preservation rather than by the people of Hong Kong, the taxpayers.

In retrospect, during HU Jintao's visit to Hong Kong, all places within his earshot and his vision were designated as no-protest zones. Members may recall the "June 4 Man" during the visit of LI Keqiang. He was arrested just for wearing a T-shirt when he left his residence. If the police could act like that, I wonder what legal grounds they had in designating the so-called protest zones or security zones. A vast area of land which HU Jintao would pass through was forcibly designated as security zones. He did not have any legal grounds to do so. If he intended to designate some areas as curfew zones, he would have to ascertain whether the police had such a mechanism in accordance with the law. But he did not act according to the law, he only exercised the power granted to the police. That is an abuse of power when he forcibly designated certain areas as security zone, leaving no room for people to express their views in all activities attended by HU Jintao and LI Keqiang.

After his assumption of office, Andy TSANG has gradually tightened the right of demonstration which was regarded as the entitled right of the people in the past. After tightening our right to demonstration, he has obviously begun to target certain persons. If someone clashed with the police in some incidents, the police would arrest that person several months or even half a year later, and bring him to court. Even if the Court finds the police to be in the wrong and acquits the person, it would still cause great disturbance to him. The police have instigated many prosecutions but in most cases, the person in question is ultimately acquitted by the Court. It is evident that the police have, on the one hand, abused their power and wasted the time of the Court, and on the other hand, they have exerted pressure on the public or created white terror, sending out the message that whoever disobeys the police will be arrested. Where is our right to protest? What right do we still have?

Therefore, I hope that Andy TSANG's salary will be deducted so as to convey a message: since he has not upheld Hong Kong people's human right, he should be reprimanded by this Council by deducting his one year's salary. Of course, we are only expressing our view as this amendment will certainly not be passed. But in my view, if we connive at Andy TSANG's act and does not take any action against it, the room for free expression of views in Hong Kong will be further restricted and Hong Kong will no longer be the Hong Kong that we are familiar with. The essence of Hong Kong has changed. In the whole process of change, Andy TSANG plays a very important role which is to crack down on our freedoms with the police power.



Moreover, we must understand his tactics. Just now, I have mentioned that he had employed the tactics of prosecution and designation of security zones and protest zones, such as state leaders could not hear the voices of the public. Apart from those tactics, he had also used large cans of pepper spray. His tactic of concealing the protest zone with water-filled barriers had antagonized the protestors. The police had not only built a wall to cage them in but also sprayed pepper spray through the openings of the water-filled barriers. Do we have the right to express our views? The use of pepper spray by the police would hurt the protestors. Although he claimed that the police would use the spray with discretion, we saw that the police were ready to act before the protestors charged forward.

I clearly remember that on 25 March, when LEUNG Chun-ying arrived at the scene, the people standing on the front line had been sprayed even before I was able to come near him. Actually the people standing on the front line were only moving forward, they had not initiated any attack, yet the police already sprayed at them. Consequently, I got sprayed also. Actually before they had taken any actions, the police had already begun to spray. Was it appropriate to do so? At the protest on 25 March when HU Jintao visited Hong Kong, we also protested in respect of the LI Wangyang incident, the police repeatedly used large canister of pepper spray against us. Were large canisters of pepper spray properly used? This issue concerned public safety and there must be a safety distance between the police and the crowd. But did the police consider the safety distance when they used these large canisters of pepper spray? I do not think so. Of course, our problem is that we cannot find the regulation and safety code of the pepper spray; otherwise we will have a better picture. Therefore, another reason for deducting his salary is that he has indiscriminately used weapons that can cause harm to people and that is unfair to the protestors who want to express their views.

I so submit. We demand for deducting the Commissioner's salary. Thank you, Chairman.

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

**DR FERNANDO CHEUNG** (in Cantonese): Actually, I still have something more to say about labour and welfare, as well as healthcare policies. The two Secretaries should be held accountable for these issues. Hence, I support the amendments on reducing their salaries.

In respect of labour and welfare policies, the problem on the ageing of the mentally handicapped that I have just mentioned is only the tip of the iceberg. It is only one of the examples. On the whole, the whole social welfare system lacks planning, and the Government has doing nothing to deal with the problem. It is absolutely unacceptable that the Government keeps chanting empty slogans but makes no substantial arrangements. As regards the nursing needs of many elders, the Government only points out the direction of ageing at home. This idea is beautifully said as no one would disagree.

As a matter of fact, this direction has been advocated in overseas countries for decades. Both the elders or people with other needs wish to stay at home and live independently, such that they can lead a life of their own choice and with dignity. The aim of ageing at home is to let elders stay at home and live in the community, despite the difficulties faced by them in their daily lives or resulted from their physical restrictions. However, how is the present service? The number of places in local residential care homes is only slightly higher than 5% of the total number of the elderly population. Only an extremely small number of elders can get services, that is, home care services in the local community. At present, elders have to wait a long time before they can get a place in day care centres or receive integrated home care services. They all have to wait.

According to experiences in foreign countries, if elders are to age at home, day care and home care services must complement each other and be enhanced, so that elders receive care services from the centre during the day. While they are well taken care of by nurses and therapists, their needs in respect of social and cultural life, entertainment and interests, are also well attended. In this way, elders can maintain their pleasure in life, and their physical and mental abilities can be developed or at least be maintained to a certain level. To cater for their needs at home, they should be provided with services such as personal or household cleaning, meal delivery, escort for medical consultation and transportation arrangement. Then, even the frail elderly can still live at home. Everyone knows that this is a better arrangement.

What about our existing services? Home care service and day care centre service are mutually exclusive. That means when an elderly person is finally granted the service of a day care centre after a long wait, even if he needs meal delivery service at home, the authorities would say: Sorry, you cannot enjoy double benefits. Our SAR Government is truly brilliant in giving people two choices, either to apply for day care centre service or community service but not both. What kind of mindset is that? According to overseas experience and literature, these two kinds of services complement each other in enabling the elders to age at home. Moreover, day care centre service and home care service are part of the community service; both types of services are essential to enable the elders to age at home. However, the SAR Government is truly mighty. It bars the elders from having double benefits. What kind of planning is that? This is fundamentally wrong. As a large number of people are waiting for residential care service, some elders are forced to live in private residential home with poor quality of service. Otherwise, both their applications for day care centre and home care service will not be approved. What does the Government really want? In the end, it turns to the market for help again and it is planning to introduce the Pilot Scheme on Community Care Service Voucher for the Elderly in September, thinking that the vouchers with a face value of a few thousand dollars will be sufficient for elders or their family to buy all the services they need in the market.

Chairman, as I have said just now, it is extremely difficult to buy the service required because of the short supply. At present, many people are waiting for services provided by subvented organizations and private market is still not mature. Under the current harsh Lump Sum Grant (LSG) Subvention System, many organizations can only rely on some self-financing services to make more money. Currently many service providers make use of the resources allocated to them under the LSG system, including manpower and the premises to provide some self-financing services. After the implementation of the Pilot Scheme on Vouchers, the existing publicly funded services will be further exploited, resulting in inferior quality of some services because the present manpower and premise resources will be used to provide the services needed in the market.

However, the money provided by the vouchers is not enough for people to buy the services they need in the market. Those who are better off will make up

for the difference out of their own pocket to buy some more reasonable services while those without the means can only accept the inadequate and lower-end services or even services of poor quality. This is what the SAR Government wants. Why is it so? How can it describe everything as magnificent? Even LEUNG Chun-ying promised in his election manifesto to review the Disability Allowance. As always mentioned by Mr WONG Kwok-hing, people missing one limb also needs Disability Allowance but the ridiculous fact is that a wheelchair-bound person with only one leg is not considered disabled. According to the definition given by the authorities concerning Disability Allowance, a person is considered disabled only if he has lost at least two limbs.

However, this is only part of the problem. Due to the rigid definition, many people with hidden disabilities are faced with great difficulties in their daily lives because even though they look alright, they have in fact lost the functions of many organs and it is impossible for them to make a living on their own .....

**CHAIRMAN** (in Cantonese): Dr CHEUNG, I have to remind you, in discussing the salary of certain officials, it is not appropriate for you to comment certain policies in great detail.

**DR FERNANDO CHEUNG** (in Cantonese): Actually I do not need to make explained description. On the whole, the Disability Allowance needs to be reviewed urgently, especially when the policy affects the \$2 per trip concession for the disabled and elderly that we have been striving for over an extended period. The Donald TSANG Government finally endorsed the concessionary measure and it has been implemented now. However, as this policy is linked to the Disability Allowance and owing to the narrow definition of the disabled, many needy people are unable to enjoy this concession. In respect of this, Secretary Matthew CHEUNG cannot shirk his responsibility.

It is a shame that up till today, not even a timetable has been set for the review. The Undersecretary told us that an ad hoc team has been set up under the Commission on Poverty to discuss the issue, but he has not told us when the review would be completed. Once again, there is no planning. If we are provided with just a timetable, we can at least estimate when the review would be

completed, but now no answer can be provided. As a result, the Panel on Welfare Services had passed a motion expressing their regrets.

Why has the Labour and Welfare Bureau made such a mess? All our requests are most basic and we are not trying to seize the power, let alone occupy Central. We only hope that the authorities would provide better protection to the old, the weak and the disabled. Is it necessary to come to this stage? There is no timetable, no planning, nothing, and they come to the Legislative Council to tell us nothing. It is perfunctory, merely trying to get us off their back. Why is it so? Are we trying to commit crimes? Or are we trying to engage in civil disobedience? We are not trying to do all these. But why have these Secretaries messed things up like this?

Over the years, we have pointed out that many Hong Kong people have serious mental health, resulting in many tragedies. Mental rehabilitation services are seriously in short supply, the number of residential care homes for mental patients is insufficient. Even if a hospital has been built, the supporting service is still insufficient, and medication is backward. Now, the newly established case management services can serve an extremely small number of patients. Compared with overseas countries, the share of resources allocated to mental rehabilitation services of the overall social resources is ridiculously small in Hong Kong.

Finally, Secretary KO Wing-man said that a review group would be set up to deal with this issue. Actually, the former Secretary, York CHOW, had already set up a similar group. But in the end, nothing had been done. After reviewing for a long time, what was the result by the time he left his office? He gave no account. Hence, Secretary KO Wing-man has to review again. But this time is better than the last when York CHOW was in charge. At least KO Wing-man has promised to invite representatives of the academics and users to participate in the review. However, in the end there were no users or ex-mental patients on the name list of the committee. His promise was not honoured in the end. Why?

The purpose of the policy review on ex-mental patients is to find out the problems concerning the present services but why do the authorities not consult the relevant people? Why is it so absurd? The Government has set up all kinds

of commissions but the Elderly Commission has no representatives of the elderly, the Commission on Youth has no representatives of young people; and again the group to review the mental rehabilitation services has no representatives of ex-mental patients. The Government especially sets up these groups but disallows the participation of the stakeholders. The mention of public engagement is all but empty words. Why can it not even follow these basic principles?

Every area related to people's livelihood is rife with problems. The Government should carry out some basic planning, allow users and stakeholders to participate and have rational discussions, and then base on relevant evidence and studies to analyse the issue, yet, nothing has been done in all these areas. The Labour and Welfare Bureau and the Food and Health Bureau, with their ample manpower, have done a lot of work but what has been done? In the end, the people have to wait for everything. They have to wait for medical consultation; they have to wait after making appointment by phone for services at out-patient clinics, and they have wait for treatment at the Accident and Emergency Department of the hospital. Speaking of "early identification and timely intervention" for children who need special care before they go to school, at present these children not only need to wait for identification but after the identification, they also have to wait for services provided by special child care centres, for being admitted to the integrated programmes and receive early training. The Secretary once said that the golden period for treatment was between zero to six years of age, but most of these children have to wait till the age of five before they can get any such services. One classic example that a service provider told me was a child came to receive the services today but had to leave the programme the next day because he turned six the next day. Is that ridiculous?

Does the Government lack money? It has amassed a fiscal surplus of over \$2 trillion, of which over \$1 trillion is disposable. With plenty of resources on hand, the Government is still so poor that it only has money. What else has it other than money? Theoretically speaking, all the Directors of Bureaux are elites in society who have a bright mind and much knowledge, and they would face up to the various social needs and are ready and willing to serve the people. However, they ultimately keep aloof and alienate themselves from the people and they only care about themselves. Do they truly understand the people's livelihood? Have they ever put forward practical ideas to address all these

problems? They have not. Hence, Chairman, I speak in support of reducing their salaries.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, bingo! Today, I have planned to cite "Po Po" (Paul CHAN Mo-po) as an example, and it so happens that he is in the Chamber now.

Chairman, I am, or we are, criticized for being unrealistic. Some have blamed us for using the filibuster to press the Government to do something which is beyond its power or up in the air. "Po Po" happens to be present. The examples that he cited in 2011 .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, which head of expenditure are you speaking on?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, Chairman, I am speaking on Amendment Nos 91, 98, 105 and 107 in the joint debate, which involve two Policy Bureaux and one Secretary of Department. They are the Financial Services and the Treasury Bureau under "Silly Keung" (K C CHAN), Chief Secretary for Administration Carrie LAM and the Labour and Welfare Bureau under Matthew CHEUNG. They are blamed for failing to address public sentiments. When the Old Age Living Allowance (OALA) was first introduced, there were huge controversies but later no improvements had been made. The interim arrangement of the OALA was not satisfactory, but nothing had been done for the introduction of universal retirement protection or elderly retirement protection.

I myself and others who join this filibuster are criticized for being unrealistic. Then, what did "Po Po" say in 2011? He said our demand was feasible. He now wears the hat of the Secretary and sits over there. I wish ..... I speak no more as I have already said so. I just hope that "Po Po" would behave well, I will talk about what he had said in 2011. It has been two years since then. The strong global wealth effect has driven our economy up and up. With a surplus being underestimated by more than \$70 billion and a record high reserve, the pool of money is more than the amount mentioned two years ago. In this case, why is our demand not feasible?

Your concern is over finance, and the concern just expressed by "MONG Kwok-hing" is about urgency. These concerns were raised by you guys, not by me. In fact, Chairman once said — in the capacity of the Legislative Council Member Jasper TSANG — please note that the words were said 12 years ago, in 2001, a time span long enough to allow a cycle of Chinese zodiac. According to him — Secretary Paul CHAN, I do not know if you had given him any advice — on that day, Mr Jasper TSANG said, "Let us look at the relevant indexes ....." What a forceful view! "One of the indexes relates to government financial commitment. Insofar as this index is concerned, Hong Kong has scored a lower mark than other developed countries." He was referring to the rating given by the Heritage Foundation of the United States. "According to the evaluation method of the Heritage Foundation, a lower score implies a higher degree of economic freedom. Tax rates in Hong Kong are far lower than those of economically advanced countries, such as the United States, the United Kingdom, Australia and Canada", which are the G-whatever nations .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is the relationship between what you are saying now and the subject under discussion?

**MR LEUNG KWOK-HUNG** (in Cantonese): This indicates that the Government is lying as it claims that it does not have money for this commitment. Yet, you said that it was affordable. You are an expert, and he is an expert too.

Mr Jasper TSANG further said that "..... in relation to government financial commitment, Hong Kong scores two points. The points scored by the United States, the United Kingdom, Germany and France are 3.5, 4, 4.5 and 5 respectively. The fact that Hong Kong has scored a much lower mark than other countries constitutes one of the reasons for Hong Kong's number one ranking as the freest economy in the world." What does that mean? It means our tax was low and hence our financial commitment was low. Of course, the situation in 2001 was different from the present situation. As you said, we recorded a deficit of \$200 billion in four years then. I had read your articles. At that time, Mr Jasper TSANG remarked that we had a fiscal deficit. Today, when other countries are in trouble, our economy keeps doing well. If we do not take this



golden opportunity to take action, when should it be done? In case there is a fiscal deficit in future, the Government will again say that it is not the right time to do so.

Chairman, you had said so; "Po Po" had said so; "MONG Kwok-hing" had said so; Mr TAM Yiu-chung and Miss CHAN Yuen-han had also said so. On this side, Ms Emily LAU of the pan-democratic camp also said so in 1994. SZETO Wah, who had passed away, once said that he supported developing a two-tier system to provide elderly protection. Hey, guys, I cannot see who holds an opposing view. The Liberal Party opposes this suggestion, but it only has five seats in the Legislative Council. Who else opposes this suggestion? Chairman, it is something beyond explanation.

"Po Po", you must give your response. After you have joined the Government, it is hard to reach you. Has anyone discussed with you that the filibuster would be cut off on 7 December. Better act fast or else "Long Hair" would launch a filibuster again. Did anyone say so? As you often have breakfast and dinner with so many different people, have you talked about this before? If you guys have not talked about this before, it is not my business. If you have talked about this before but have not disclosed your discussions, it is not my business either. All I can do is to launch a filibuster here in the capacity of a Legislative Council Member. To launch a filibuster means that I, as a Legislative Council Member, exercise my power to propose amendments so as to hinder the passage of the Government's Budget. It is that simple.

To be frank, what I am doing here is to keep the gate open. For "MONG Kwok-hing", I am not sure if he mentioned the six sins. Just now, I mentioned them all again but he was not in his seat. The six sins that he had said before are all .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is the relationship between what you are saying now and the subject under discussion?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, it is no longer a sin but an evil deed. It is the mind of people which determine how our world operates.

A false belief shared among all people will become a mind which gives rise to an evil deed. It is more than a sin. The Federation of Trade Unions, the Democratic Alliance for the Betterment and Progress of Hong Kong and the Liberal Party only talk but take no action. On the reform of the OALA, they claimed that it must be reformed but they did not take any action. Neither did they do anything to promote universal retirement protection. As for "Po Po", after wearing another hat, he keeps engaging himself in other issues. What should we do then? For you, Chairman, you are now sitting up there and cannot speak as you wish. Therefore, I have no option but to play a lone hand and hang in there.

"Po Po" — Secretary Paul CHAN, should you withdraw your speech made on 19 January 2011? In that speech, you held that the reserve and surplus in the pocket of the Government were definitely sufficient for providing universal retirement protection. You also said that even if the Government did not raise taxes, it could cash in \$100 billion by selling its shares in the Airport Authority and the MTR Corporation Limited and reducing its shareholding to 50%. Right now, I only ask you to take out \$50 billion. You will still have \$50 billion for other issues like universal dental healthcare. So, why not?

Chairman, I am really aggrieved. Some reporters told me, "'Long Hair', your filibuster will not be fruitful." Do not be so naive. My reporter friends, in the history of filibusters, the Government seldom succumbed. It is something obvious. At present, we have group purchasing power, only that we do not use it. But everyone else is using it. Take the Republican Party as an example. Do you really think the fiscal cliff was created by their filibuster? The Republicans did not launch a filibuster. They succeeded in creating troubles only because they had sufficient votes in hand.

Chairman, this misunderstanding is far too big. The reason why we filibuster is to force the Government to face up to the problems. The views given by the Government are devoid of substance. Yet, you asked me to talk to them. I then went to talk to them but they said, "Mr LEUNG, there is nothing we can discuss with you. We do not have to reason with you as the key lies in the number of votes." Chairman, this Council should be a place to reason things out. Chairman, today, I endure all disgrace and insults to see if "MONG Kwok-hing" will attack us.

Today, I am duty-bound to clarify one point. When the Government is so rich that it can maintain low tax rates and offer tax rebate and rates waiver, it will be able to "hand out cash" or provide universal retirement protection. Regarding the administration of the Government ..... I now name named: Carrie LAM — "Po Po", you are not on the list — Matthew CHEUNG and K C CHAN, the three of them have not considered how the Government ..... first, "Silly Keung" (K C CHAN) and "Ngor Ngor" should have considered from the policy perspective whether universal retirement protection should be launched. Being the head of officials, she should take the big political picture into account; second, Policy Bureaux; and third, whether there is money for the implementation.

Also, for John TSANG — "you have your life and I have my incompetence" — he has not done anything. Chairman, I wish Paul CHAN ..... two years have passed. Do you think your previous remark still holds true? I have to remind you that, on that day, you were prepared to assist Mr LEUNG in his election. I have to pay tribute to you for your remark. You said, "Deputy President .....", that is, Ms Miriam LAU, "we need an administration leader in Hong Kong who has vision, who is willing and committed to upholding justice, who really cares for the people and who is humble enough to examine himself." Listen, "We do not need a bunch of misers who only stick to the old rut."

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are repeating yourself.

**MR LEUNG KWOK-HUNG** (in Cantonese): It is because I was speaking to the air earlier. Right now, "Po Po" is in the Chamber; just now, he was not there.

**CHAIRMAN** (in Cantonese): Please stop repeating your points.

**MR LEUNG KWOK-HUNG** (in Cantonese): I will stop calling Paul CHAN as "Po Po". Secretary Paul CHAN, it just happens that you see me today. Will you rise to answer the questions that I ask you today? Or will you choose to be a mute? That is fine. You may just delete those words .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have strayed away from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): Oh, side-tracked. Chairman, I wish Mr Jasper TSANG can soon step down from being the President, and return to the earthly world to give his views. Yet, it is not possible. Being the President of the Legislative Council, you do not have to answer my question. I hope "MONG Kwok-hing" and other Members can give me some responses because, thanks to the Chairman, we still have lots of time. Regrettably, no one participates in this discussion. How dare they say "deliberation"! Chairman, in the story of Lu Mengzheng, the bell might ring before or after meal. Please do a headcount in accordance with Rule 17 of the Rules of Procedure. "Po Po", please think carefully and respond to me. Is that alright? Please do not go for a meal so early.

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

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

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, do you wish to continue?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, "Po Po" is back to the Chamber. I wish he can respond briefly. I wish those Members who often criticize us through the microphones can speak up and stop being a mute. You do not have to be scared. The Chairman has already allowed you to speak. I tell you: If you stay silent, it is tantamount to acquiescing to my accusations. It is that simple. And I will continue to reveal your hypocrisy, low character, pseudo-propositions .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please do not stray away from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): What?

**CHAIRMAN** (in Cantonese): Please do not stray away from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): I will help you guys recall your memories so that you will not suffer from memory loss and can remember your good youthful days. Mr IP Kwok-him, Mr TAM Yiu-chung, "MONG Kwok-hing" and "Po Po", when you were young, you had ideals and dreams. However, you are old now. Being old folks without any ideal, you guys are worthless wretches (*The buzzer sounded*) .....

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

**MS CYD HO** (in Cantonese): It may be my last speech in this Budget debate. Chairman, just now, you were not in the Chamber. I said that when this Council was left only with "scissors" to cut off the filibuster, it would become a place without justice. It is not what we wish to see as we wish to maintain our systems, rules and decorum. Yet, we will do as much as we can. Similar to my practice in the past two weeks, today I will not repeat my previous speeches but speak on the question.

This time, I will talk about the annual emolument of the Under Secretary for Constitutional and Mainland Affairs. Why do I focus on the Under Secretary instead of the Secretary? Chairman, it is because I will focus my speech on the equal rights for people of different sexual orientations. On this issue, Secretary Raymond TAM had made an achievement. At least, he had responsibly clarified some misleading information at a Panel meeting to remove the unnecessary fear. He told the public in front of the camera that even if a law was later enacted to protect people of different sexual orientations against discrimination, it would not

be a breach of law to do certain acts. I therefore have some respect for him on this point.

As for the Under Secretary — Chairman, there is nothing personal as this issue does not involve partisanship — we know that he is the official in charge of promoting equal rights for people of different sexual orientations. However, in the years that we worked with him as Legislative Council Members, did he give any speech on equal rights for people of different sexual orientations? The unfair treatment of people of different sexual orientations in government policies has been addressed and examined by the Legislative Council since 2004 or some time earlier. Nevertheless, the incumbent Under Secretary had never participated in the discussion of this issue when he was a Member. In 2004, when I proposed an amendment to the Human Organ Transplant Ordinance to seek treating same sex partnerships registered overseas in the same manner as opposite sex partnerships, he did not vote for my amendment either. In the previous term of the Legislative Council, when we discussed the Domestic Violence Ordinance, he also very unwillingly endorsed the bill introduced by the Government.

Today, although he wears another hat and becomes the Under Secretary in charge of promoting equal rights for people of different sexual orientations, I do not think he is on the right track to promote equal rights. Firstly, after the incumbent Under Secretary came to office, the public consultation which we had made every effort to promote was unexpectedly taken out from the Policy Address at the last moment. Of course, the Under Secretary should not be the only one to blame. At the end of the day, it was Chief Executive LEUNG Chun-ying — the one who read out his Policy Address in this Chamber — who decided to withdraw this consultation. The withdrawal reflects that he is afraid of certain issues and people. If his minority supporters put pressure on him, he will not be able to insist on his stance. In the Policy Address, it was stated that this issue would be addressed through administrative means. And we have heard that the Under Secretary is working on the establishment of a committee to invite people with different established views.

Regarding people with different established views, as far as we know, they include Mr CHAN Chi-chuen, who has come out of the closet. He will definitely support having equal rights. Indeed, the Government does not have to

consult him as his stance is clear enough. Dr Priscilla LEUNG is also among those who have established views. She has long been opposing to legislation. I have high respect for Dr LEUNG as well, and her established view is very strong. By providing a platform for these two people to meet, what do we expect to see when both of them have already got their own strong views? Can the bi-monthly meetings, each of which lasts a couple of hours, change their stances? Their stances are based on their experiences in the past decade or so. In particular, the stances on this issue involve moral judgment and concern equal rights. Can their stances be changed by four two-hour meetings — that is, less than 10 hours — after the Under Secretary has drawn them together? Today, after such a long filibuster, those several Members still cannot make the Government respond to their demand for universal retirement protection. If the filibuster is not forceful enough to bring any change for the widely-supported demand, how can several meetings have an impact on the controversy over equal rights, represented by a split of 66%:34%? That is, 66% are in support of legislation while 34% are against legislation. This is the result obtained in a number of previous surveys.

To our surprise, the incumbent Under Secretary still believes he can promote equal rights for people of different sexual orientations through establishing a committee. In my view, he is just wasting time and public money. I hope that other officials can replace them and give a new direction, so that the promotion of equal rights can be more effective. This method has long been proved to be ineffective. Before the incumbent Under Secretary comes up with the idea of setting up a committee, Mr Stephen Frederick FISHER, the former Permanent Secretary for Home Affairs, had held a number of forums on human rights in his term. Those forums included the Children's Rights Forum, the Sexual Minorities Forum and the Ethnic Minorities Forum. All those were promoted by him. In his term, he initially succeeded in drawing different groups of people to meet. However, these meetings were not fruitful. Our previous efforts proved that this method simply did not work. Eventually, the Sexual Minorities Forum had stopped meeting for as long as 21 months. In January this year, people and groups of different sexual orientations in this Forum jointly withdrew from it in a high-profile manner. They did this to send public officers a clear message that it is indeed useless to gather people with different established views to have discussions.

Instead, the Government should win over the majority who are middlist and have been scared by misleading information. Our previous surveys showed that 66% of people were in support of legislation. In view of this result, the United Nations Commission on Human Rights (UNCHR) bluntly asked the Under Secretary and the Permanent Secretary what the controversy was when so many people expressed support as indicated in the surveys. Of course, the UNCHR does not know that, here in Hong Kong, measures which are supported by 99% of the people may not always get passed.

Therefore, Chairman, I must make my stance clear: If the Under Secretary does not want to have his salary deducted and hopes to keep working with us on the issue of equal rights for people of different sexual orientations, he must first give up this ineffective method. While people have already got a strong view, he should not draw them together in the hope that they will reach a consensus within 10 hours. Instead, he should step up publicity efforts to explain how the law will be enforced. A number of anti-discrimination ordinances had been enacted; and according to established tradition, no one will be incriminated for his words or thoughts. These anti-discrimination ordinances are meant to prohibit actions driven by discriminatory thoughts and avoid consequences brought by discriminatory words.

This issue is not easy to address because many people who claim that they do not discriminate others are not aware of their discriminatory thoughts. Therefore, we should use our resources to educate the public. Unfortunately, even for friends and scholars in the democratic camps, some of them hold an opposing view. They said that if an anti-discrimination ordinance was to be enacted — I quote their words expressed in English — it would be "to apply the coercive power of the state to restrict the freedom of thought, conscience and religion."

What a gross accusation! How should we respond? We must tell all of you that this piece of legislation, if enacted, will not incriminate a person for his words or thoughts. We only aim at prohibiting certain discriminatory actions. Therefore, we should optimize our resources ..... unless the Under Secretary tells us that he will sit down and discuss with us if there is another way to promote such equal rights. Meanwhile, as the Equal Opportunities Commission



(EOC) indicated that it would conduct a consultation, I wish the Under Secretary will provide more resources to this statutory body to carry out a consultation in the community, in addition to in the bureaucracy.

The enactment of legislation often lags behind the development of technology and social awareness. Today, the Court of Final Appeal (CFA) ruled in favour of Miss W, who is a transsexual. Miss W was once a man. After a series of intrusive operations and psychological counseling, he insisted on turning himself into a woman. We should note that it was not a capricious decision made in haste. It was a high-priced decision arising from the fact that he could not accept his born gender from the bottom of his heart. However, the Government has not provided any support to transsexuals in its legislation. A transsexual is not allowed to revise his/her gender information on the Certificate of Birth. Consequently, although Miss W is now a woman and wishes to marry a man, the Marriage Registry refused to accept her application for marriage registration which was between two men. That was why she filed a lawsuit. Today, the CFA has finally brought a change to this situation. It requested the Government to amend the law expeditiously in the next 12 months so as to allow transsexuals to get married under the existing Marriage Ordinance.

Therefore, Chairman, apart from promoting equal rights for people of different sexual orientations, we need to examine whether the existing legislation allows post-operative transsexuals to have a new identity in terms of gender. All these are difficult tasks as we need to convince many of those who hold strong established views. I repeat once again: The discussion platform promoted by the Under Secretary has proven to be ineffective. It cannot solve the problems now facing us.

Thank you, Chairman.

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

**MR GARY FAN** (in Cantonese): I am speaking on Amendment No 557 to the Appropriation Bill 2013 on behalf of the Neo Democrats. This amendment

seeks to deduct an amount approximately equivalent to the expenditure of six months' emolument for the Secretary for Security.

Chairman, the Security Bureau is responsible for a wide-ranging policy portfolio which covers the maintenance of law and order, the exercising of effective and efficient immigration and customs control, and so on. Yet, I do not think the performance of the Secretary for Security is satisfactory in these policy areas. It is not only unsatisfactory but even poor. Why do I say so?

While the Security Bureau claims that it exercises effective and efficient immigration and customs control, the introduction of "multiple-entry permits" in 2009 has brought Hong Kong with more and more Individual Visit Scheme (IVS) visitors year after year, particularly in the last couple of years, causing an influx of parallel traders to engage in smuggling. Yet, the enforcement and combat operations taken by the Security Bureau in collaboration with the Mainland government, the Hong Kong Police Force (HKPF) or the Immigration Department (ImmD), such as the "Windsand" operations, the "Headwinds" operation and the "Shield of National Gate" operation, had all failed to achieve the desired results.

In 2012, parallel trading activities ran wild, seriously affecting the daily life of people living along the East Rail Line, especially residents in Sheung Shui and Fan Ling in the North District. Their living space, public space and commuting space are all adversely affected. In my view, the Security Bureau has not done its job in resources allocation, policy adjustment and system reform.

Over the past few years, the number of inbound Mainland visitors holding "multiple-entry permits" has increased sharply. According to the statistics of the Security Bureau, there were about 30 million IVS visitors in 2012. Almost half of them were same-day arrivals. In the first two months of 2013, that is, before the introduction of "the formula milk rationing order", the number of IVS Mainland visitors reported a 40% year-on-year surge. Because of the problem of parallel trading caused by "multiple-entry permits" and the cultural shock arisen from different living habits of people in the two places, there are lots of conflicts between Hong Kong people and the IVS Mainland visitors. As a result, Hong Kong-Mainland conflicts are often seen in Hong Kong in recent years.

As Hong Kong's capacity to receive IVS visitors is in doubt, we hope that the SAR Government can review its IVS policy or even put a halt to the policy of "multiple-entry permits". Also, we propose reviewing and assessing Hong Kong's visitor carrying capacity before determining whether to maintain this policy. In the long run, the SAR Government may even have to reclaim the vetting and approval right under the IVS to gain control over the implementation of IVS. However, we did not see that the Secretary for Security has made appropriate efforts to deal with this issue.

Chairman, early this year, at a meeting of the Panel on Security Affairs, I discussed the problem of smuggling by parallel traders with the Secretary for Security. At that time, the Secretary emphasized once and again that it was parallel goods which caused the problems; parallel traders did not violate the law of Hong Kong as they did not engage in smuggling. Nevertheless, in less than two months — after the introduction of "the formula milk rationing order" — the SAR Government officially admitted that there was a link between "smuggling" and "parallel traders" in a paper of the Food and Health Bureau. It is only that the Secretary for Security continues to refuse admitting this point.

In addition, the Secretary for Security has not clearly informed the public and the Legislative Council that the Mainland government has criminalized the smuggling of parallel goods since 2012 (that is, last year). It is an offence for any person to smuggle parallel goods for three times or above. At the beginning of this year, the Coastal Defense and Anti-Smuggling Office of Guangdong Province also disclosed that 95% of the travellers commuting between Shenzhen and Hong Kong several times on the same day by "multiple-entry permits" had engaged in the smuggling of parallel goods. Yet, the Security Bureau only responded to our questions by saying that it did not have the relevant statistics. Although we had made repeated enquiries, both the representatives of the Government and the Security Bureau failed to give us a clear account.

In this situation, how can the Government assess Hong Kong's visitor carrying capacity as suggested by Chief Executive LEUNG Chun-ying? Will it turn out that the Food and Health Bureau, which is responsible for enforcing "the formula milk rationing order", has to assist the Security Bureau in answering this question? I do not consider the performance of the Security Bureau satisfactory.

Chairman, on 1 May, Labour Day, a group of Mainland parallel traders engaging in smuggling activities said that they had to protect their rights as they were affected by "the formula milk rationing order". Their remark was ridiculous. They petitioned at the Lok Ma Chau Spur Line Control Point (that is, Futian Port in Shenzhen) in an attempt to protect their right for smuggling parallel goods. Three immigration officers were attacked and injured when they tried to maintain order by stopping a parallel trader from entering into Hong Kong. On that day, there were as many as 40 parallel traders participating in the so-called "rights movement". Yet, did the Secretary for Security come forward to speak up for the front-line immigration officers? I did not see that.

When those three immigration officers later escorted a Mainland parallel trader to cross the bridge, the trader, who had previously tried to crash the gate of the Lok Ma Chau Spur Line Control Point, struggled and bit one of the immigration officers. He also kicked the other two immigration officers on their faces and arms. The headphone of one of the immigration officers was torn. Chairman, the Secretary for Security should have come forward. If he values the morale of front-line immigration officers, and if he considers it important for front-line immigration officers to enforce the law of Hong Kong, there is no reason for him to hide himself without expressing his views.

Chairman, another important duty of the Security Bureau is to maintain law and order. Here, I would like to share with you my experience. How well is the performance of the HKPF under the Security Bureau in maintaining law and order? Previously, the media have revealed a number of cases in which police officers followed protesters. Is following protesters part of job of the SAR Government in maintaining law and order? I do not think so. On the contrary, I think the HKPF is responsible for making proactive arrangements to facilitate the public to join peaceful rallies, marches, petitions and demonstrations.

Unfortunately, the situation has worsened over the past few years. The HKPF is performing worse than before. Demonstration areas set by the HKPF are unreasonably far; protesters are hence forced to wander around. On several occasions, when our state leaders visited Hong Kong, they even took excessive precautions to prevent the so-called "embarrassment". It was because of those excessive precautions that conflicts arose between the HKPF and the people.

Last year, when a state leader visited Hong Kong, the HKPF used water-filled barriers to surround protesters. While the protesters had no place to hide, the HKPF attacked them with pepper spray. Chairman, they used large canisters of pepper spray. Police officers sprayed pepper spray on protesters as if they were killing cockroaches with Speedox. It was simply ridiculous.

In other cases, the HKPF had tried to stall protest activities by saying that they had arranged officials to receive the letters of petitioners or it took time to make way for the protests, forcing protesters to give up their basic civil right to protest, rally and petition. I do not think it was wise for the HKPF to do so. In case a conflict later arose between the HKPF and the people, they would shift the responsibility onto protesters. Apart from "an abuse of power", I cannot think of a better term to describe how the police treated the participants of peaceful demonstrations, rallies, protests and petitions in the past few years.

All these happened under the very eyes of the Secretary for Security. He has not properly monitored the discharge of duties by the police or ordered them to carry out their duties. Worse still — as Chairman may remember — Police Commissioner Andy TSANG invented a "black shadow theory" to harbour police officers after they hindered the media from reporting. He hurt local media's freedom of the press and people's freedom to demonstrate, rally or protest. It was beyond doubt that the Secretary for Security, being the head of a Policy Bureau, also failed to do his part in this incident. He did not order the police not to use unreasonable force or any force against protesters before obtaining sufficient facts.

Chairman, the Secretary for Security harbours the police for their abuse of their powers. He has also infringed the freedom of the press and failed to solve the problem of smuggling by parallel traders. Yet, he has actively suppressed protesters. The Neo Democrats and I hold that the Secretary for Security has not lived up to the reasonable expectation of the people. Therefore, we propose this amendment to request a deduction of an amount approximately equivalent to the expenditure of six months' emolument for the Secretary for Security. As the public consider that the emolument of the Secretary for Security should be linked with his performance, my amendment is in line with the public view.

Chairman, I so submit.

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

**MR WU CHI-WAI** (in Cantonese): Among the amendments proposed this time, one of them seeks to deduct the annual emolument for the Secretary for Home Affairs. It is proposed by Mr LEUNG Kwok-hung. In the perception of many people, a large proportion of duties performed by the Home Affairs Bureau is closely related to the life of the general public. A case in point is its duty in recreational and cultural development. Meanwhile, its two other duties are directly linked with our housing problem, which is our top public concern.

The first duty is building management. This issue has actually been solemnly discussed by my colleagues in the Legislative Council. We have provided all sorts of opinions in respect of the loopholes in building management and the insufficient support for owners. From the replies of the Home Affairs Bureau, we know that all these problems are under study and will be examined in the latest consultation on the Building Management Ordinance (BMO). In addition, a licensing scheme for building management companies will later be proposed for discussion by Legislative Council Members. However, all the above efforts are about the supporting policies on building management. For immediate problems — the conflicts between owners and owners, between owners and owners' corporations (OCs) or between owners and developers — the Home Affairs Bureau often fails to deal with them even though it is the enforcement agent of the BMO (Cap. 344). Instead of giving a direct solution to these problems, it shifts its responsibility onto owners by asking them to seek legal advice. Is this the best practice? In our previous debate, many colleagues held that it was not the best practice. The best practice is perhaps to make efforts in the early stage. The Home Affairs Bureau should face up to the problems and provide adequate resources and manpower for OCs, so that they can receive sufficient backup after they were formed by the Home Affairs Department (HAD) under the purview of the Home Affairs Bureau according to the BMO. The HAD should not ignore its "sons" after "giving birth" to them.

Although the Secretary for Home Affairs has made a number of responses, he has not yet given a clear and specific account on the practice of the Home Affairs Bureau nor informed the public of the review timetable. At present, private buildings are homes and assets to half of the population of Hong Kong;

however, their management is only supported by 120 front-line liaison officers. This ratio is highly disproportionate, and it clearly reflects that the Home Affairs Bureau had failed to address the problems in private building management during the development in the past few decades. As for the BMO, the Secretary for Home Affairs has failed to look squarely at the shortage of front-line officers in the process of policy advocacy, thereby affecting the quality of private building management. All these failures have made me lost confidence in his competency and commitment.

The second area is land management, and there are some problems with the land management of the Home Affairs Bureau. In Hong Kong, 55 private clubs and welfare organizations have been granted with government sites for years at a nominal rent. In the last couple of years, the land leases held by these welfare organizations expired one by one and required renewal. Notably, all those leases have been renewed for as long as 15 years. But are these clubs open to the public as required by their land leases? Land resources are now in great shortage. Should those club sites be released for more useful purposes to help the community solve its problems? Unfortunately, on this important issue, the Home Affairs Bureau has simply allowed the clubs to renew their leases for 15 years, though identification of land sites is the major challenge facing LEUNG Chun-ying's Government after it came to office. Why did the lease renewals have to come along with a long tenancy of 15 years? Is it necessary for any lease to be renewed for such a long term? This subject in itself is a controversial legal issue.

(THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

According to the reply of the Home Affairs Bureau, as those clubs have rented their sites for years, they have a reasonable expectation on lease renewal. Yet, can reasonable expectation be used as a shield? Is the long tenancy sufficient to justify that there is an existence of reasonable expectation? Can the Home Affairs Bureau negotiate with those organizations to see if there is an effective way to review the land use? We have not seen the Home Affairs Bureau make these efforts. In the discussion, the Government seemed to have agreed that it would include new terms in the leases to specify that the leases may

not necessarily be renewed 15 years later and the relevant organizations must open the clubs for public use as appropriate. But what is the reality? The reality is that the land leases have long been requiring those organizations and private clubs to open their clubs for public use. It was only that this piece of information had not been known by the public until recently. How can we trust that the private clubs and welfare organizations will open their clubs for public use after the renewal of their 15-year leases? It leaves us with a big question mark.

On the other hand, during the negotiation, did the Government bargain for a shorter tenancy but still meet the so-called "reasonable expectation"? The Government did not seem to have done so. Although the Home Affairs Bureau is not responsible for identifying new sites, is it a dereliction of duty if the Home Affairs Bureau refuses to do its part on this issue, given that it is part of the Government and the Policy Bureau in charge of many private club sites in Hong Kong? The dereliction of duty will make the public query if the Government is "lenient with itself and severe with others". Many of these private clubs are remnants of the colonial era. In the past, these clubs were influential organizations for the rich. While everybody in our society is burdened by land shortage, the Government has unexpectedly allowed those bodies to occupy so many land resources. Has it ever realized this practice will arouse public query on those organizations? We doubt if these clubs are unwilling to take their responsibilities when everybody is in dire straits. As the Home Affairs Bureau failed to consider such a basic political issue and the social situation, it has carelessly renewed the leases for 15 years. Its move has created conflicts between the community and those organizations, hurting social stability and harmony. Is it a dereliction of duty? In my view, it is very foolish for the Secretary for Home Affairs not to deal with these problems and simply let them ferment.

Therefore, we support Mr LEUNG Kwok-hung in proposing this amendment. One reason is that while private buildings are the homes and assets of half of the population of Hong Kong, the Home Affairs Bureau has failed to do its best in building management and clarify the problems to give a visionary solution. Another reason is that when half of the population lives in private buildings, there are only 120 liaison officers providing supporting services. In contrast, the Housing Department, the government department providing support for local public housing, has thousands of staff to back up. Should this



disproportionate support be reviewed? Besides, the law is anachronistic. We need to conduct a careful study and impose new regulation to update the BMO. However, the Home Affairs Bureau does not seem to have put this issue at the top of the list. Right now, building management is only one of the four responsibilities of the Home Affairs Bureau. It reflects that building management is not a major duty of the Home Affairs Bureau.

On the management of club sites, as the land issue does not fall within the purview of the Home Affairs Bureau, it has also failed to face up to this issue. When the whole Government is grumbling about the land demand, the Home Affairs Bureau, being a core bureau, should have solemnly discussed the lease renewals with the clubs which occupy abundant land resources in Hong Kong before their leases expired. However, the Government has let the clubs renew their leases easily on the excuse that there was a reasonable expectation instead of doing its part in the negotiations.

Therefore, I do not think the Secretary for Home Affairs is competent or has taken up his responsibilities for the well-being of society, particularly in dealing with land demand and building management. Therefore, I am in favour of Mr LEUNG Kwok-hung's amendment to deduct the annual emolument for the Secretary for Home Affairs. Thank you, Deputy Chairman.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): Deputy Chairman, I would like to follow up the proposal made by Mr WU Chi-wai to reduce the salary of the Secretary for Home Affairs. Just now, Mr WU Chi-wai said that the Home Affairs Department (HAD) is responsible for helping private residential buildings to form Owners' Corporation (OC) and carry out a more important task, that is, to fulfil the requirements under the Building Management Ordinance (Cap. 344), so as to defend and protect the rights of small owners. Mr WU Chi-wai brought up a very important point of view, he said that as there was insufficient manpower in the HAD, there were difficulties in enforcing this Ordinance. With respect to this point, I must say that I somewhat disagree with Mr WU Chi-wai in saying

that the HAD has insufficient manpower. Why? I notice that the HAD has 120 liaison officers, if an OC invite liaison officers from the HAD to attend its meeting, as a general rule, the liaison offices will attend the meeting. But the attitude of these liaison officers is repulsive, why? It is because when they attend an OC meeting, they just listen but make no comments. This indicates that they will not undertake any responsibility. They claim that they know nothing about all the issues raised and advise the OC to seek legal advice. In fact, it is useless to invite liaison officers to attend the meeting. It is really useless because they cannot provide any assistance. But the HAD claims that its staff have attended the meeting. What is the point of this? These liaison officers will never indicate their position or give any advice. People would have some expectation when officials of the HAD attend the meeting. But it turns out that the expectation will fall flat. These officials cannot help the OCs solve their problems. What purpose do they serve then?

Moreover, not only the officials of the HAD have such an attitude, but also the Secretary for Home Affairs. He should have enforced many ordinances, but he has never done so. The following is a case in point. The Buildings Ordinance stipulates that each OC must make public its financial situation every year to small owners. If it does not do so, it violates the law and the case may be referred to court. It is the responsibility of the Secretary to hand in the case to court and instigate prosecution. Unfortunately, many small owners in the community complain that the OCs have not made the financial situation public. I have written a letter to the Secretary for Home Affairs urging him to follow up these matters. But he has done nothing. He simply does not care. He says that these problems can gradually be solved and there is no need for him to enforce the provisions of this Ordinance. As a result, some OCs have not made their financial situation public and this has affected the interest of small owners and affected the operation of the building concerned. As the Secretary for Home Affairs has not done anything or shown any concern, what is the point of having him?

Mr WU Chi-wai just now said that manpower was insufficient. Actually the problem is not with insufficient manpower. Although government official attend the meetings, they make no contribution as they take no actions at all. Since this is the case, what is the point of having them to attend the meeting?

Since there is no need for them to attend meetings, we should not approve so much funding, right? That is why we should reduce the resources of the HAD.

Moreover, our Secretary has not done anything even though he is vested with statutory powers by the legislation. Since he has not fulfilled his responsibilities, what is the point of having him? Actually, it is lenient to reduce his salary, he should be removed from office for failing to perform his duties. He has not done what he is supposed to do. Very often, he has even competed with the public for credits. If Members can still remember, the Tai O incident is a very good example to illustrate this point. After Tai O was affected by landslide and flooding, we criticized the staff of the HAD for not doing a good job and that the liaison system was not desirable, making the residents crying in vain to get any help. The HAD should be held responsible because it has not done a good job in liaising with the residents and keeping in close contact with them. As a result, the residents did not know how to react in face of disaster.

The Secretary for Home Affairs has not examined or tried to find out the shortcomings of the HAD, instead, he only cared about getting the honours whenever such opportunity has arisen. He claimed that he went to the disaster-stricken area immediately to handle the incident. He only cared about getting the credit but he has not fulfilled his responsibilities. So what is the point of having him? There are Members who propose to deduct the salary of the Secretary, and deduct a certain amount of expenditure for the Bureau. I think this is necessary because the officials will then have a chance to reflect on what they have done over the years. If this is not done, the life and properties of the citizens and the rights of small owners will all be lost in the hands of these officials. This is a very serious problem. I consider that the expenditure of that Bureau and the salary of the Secretary should both be reduced. This will deal a serious blow to him. I hope he will understand the point from now on; otherwise, to put it bluntly, he will only bent on having his will and he will only be a policy secretary in name without doing anything specific.

I am in support of reducing the expenditure concerned.

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

**MR WU CHI-WAI** (in Cantonese): Deputy Chairman, I would also like to say a few more words on this subject. Regarding the problem just raised by Mr LEUNG Yiu-chung, we are actually well aware of it when we conduct our work in the community. Regarding the shortcomings of the Liaison Officers (LOs) or the Home Affairs Department (HAD), we should in fact take some time to identify the causes. How come a government department charged with so many responsibilities adopts such a nonchalant attitude, particularly when it is necessary to protect the interests of minority owners? As a matter of fact, when responding to the Report of the Commissioner of Audit, the Home Affairs Bureau had already highlighted the crux of the problem, that is, when handling the relevant work, it saw itself not as an executor, but a facilitator assisting the owners to form Owners' Corporations (OCs) to take up the management of their buildings. Is this the right approach, and whether it is in line with the duties of the Home Affairs Bureau as required under the Building Management Ordinance (Cap. 344) (BMO)?

As the Secretary for Home Affairs does not have a clear picture about the changes in the overall situation of building management, he would sometimes give inappropriate or improper instructions to his subordinates; as a result these officers will just follow the old bad habits as described by Mr LEUNG Yiu-chung when carrying out their day-to-day management duties. For example, when they attend meetings of the OCs, they merely sit or stand there to observe the proceedings without giving views. Of course, this falls short of public expectation, and it is not the appropriate attitude of LOs under the HAD when performing their duties in building management.

Cap. 344 is an ordinance relating to the management of buildings among flat owners, and if government officials responsible for enforcing this ordinance fail to meet the professional and specialized requirements, and if they are not well versed with all the precedent cases, they naturally dare not offer any legal opinions when carrying out their duties, even without the instructions from the Secretary for Home Affairs, they will not dare to do so. As far as we understand, given our frequent discussions on various questions in this regard, the HAD has already stepped up its regular training for the staff concerned so that they can gain more knowledge in respect of building management. However, in terms of handling disputes, most of the guidelines tend to adopt the approach of "say nothing and make no mistakes", which is indeed a major cause of concern

for us. Consequently, many minority owners feel aggrieved and helpless when facing building management disputes.

Let us consider the approach adopted by another grade of officer also called LOs, that is, Labour Officers of the Labour Department (LD). Whenever a member of the public calls the LD, the LO concerned will tell him specifically the interests involved in that particular labour dispute, as well as the statutory compensation to be made by the employer. After going through all the information, the LO concerned will make a resolute decision and tell the worker the available options, as well as the proper attitude and approach to take in dealing with the relevant matters. However, when handling incidents of a similar nature, LOs of the HAD will never adopt this approach. Actually, both grades of officers carry out their duties according to a specific ordinance. All Labour Officers of the LD must understand and enforce the Employment Ordinance, while Liaison Officers must understand and enforce the BMO. Why then do they work so differently?

According to my observations, one reason is that — I hope the Home Affairs Bureau can give a valid response later — the Home Affairs Bureau considers that the LOs should, apart from building management, also be responsible for community building, such as organizing community activities, liaising with mutual aid committees, and so on. Which aspect of work is more important, building management or community building? As the Secretary for Home Affairs fails to have an effective analysis on this fundamental issue, how can Members be convinced that he can lead the Home Affairs Bureau in performing its building management duties, as well as protecting and resolving or addressing the disputes among minority owners, disputes between owners and OCs, disputes between owners and property management companies, and even disputes between owners and majority owners? If he cannot even handle the related work, I consider the amendment today which seeks to reduce the salary of the Secretary for Home Affairs perfectly reasonable because he cannot even perform his due responsibilities.

Hence, I support the amendment which seeks to slash the expenditure for the annual salary for the Secretary for Home Affairs. Thank you, Deputy Chairman.

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

**MR GARY FAN** (in Cantonese): Deputy Chairman, I speak in relation to reducing head 152 by \$51.4 million in respect of subhead 000, that is, reducing an amount equivalent to the annual expenditure invested by the Commerce and Economic Development Bureau from the subvention to the Hong Kong Tourism Board (HKTB) on promotional activities in the Mainland market.

I will focus on talking about the Individual Visit Scheme (IVS) policy which has been implemented for a decade. I think the scheme has gone out of control as it has seriously deviated from the original policy intent and has given rise to many negative social problems. Owing to the SARS pandemic in 2003, the SAR Government decided to implement the IVS policy after consultation with the Central Authorities, hoping to help Hong Kong's economy to recover from the aftermath of the pandemic. However, 10 years into its implementation, we can see that this policy has both its advantages and disadvantages. While certain economic benefits could be achieved, Hong Kong must also pay a substantial social cost.

With changes in the objective environment, the IVS policy, which had given impetus to Hong Kong's economic recovery since 2003, has now pushed up rental and commodity prices in Hong Kong, as a result, many small and medium enterprises (SMEs) were forced to wind up. SME operators originally hoped that with the large inflow of Mainland tourists, their businesses would increase, but owing to increasing rent, the ones who benefit eventually are not the SME operators, but property owners who rake in handsome profits from the exorbitant rents and annual rental increases.

With the implementation of the IVS after 2003, what problem has emerged in Hong Kong? Deputy Chairman, the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong has emerged, which can be proved by the relevant statistics. Notwithstanding the Court of the Final Appeal's ruling in 2001 on the right of abode in Hong Kong under Article 24 of the Basic Law, it had not caused a large influx of "doubly non-permanent resident pregnant women" coming to give birth in Hong Kong; rather, it was after the implementation of the IVS in 2003 that we see a constant rising trend of "doubly

non-permanent resident pregnant women" giving birth in Hong Kong, and to date, as many as 170 000 children were born by "doubly non-permanent resident pregnant women" in Hong Kong. They compete with local residents for obstetric services, powdered formula as well as school places. In Hong Kong, not too many people — particularly Hong Kong women — choose to have children; although the former Chief Executive encouraged Hong Kong people to have three children, many women will not choose to do so. If they choose to have children, when using public healthcare system or private healthcare system, they had to compete with "doubly non-permanent resident pregnant women" for obstetric services in the past few years. As men, we can hardly imagine why local women, who may only give birth once in their lives, cannot be provided with sufficient hospital beds for the required services in such a critical moment.

After the children were born, what has happened in the past five years? In the past five years, some brands of powdered formula have been in short supply, which culminated in the full-blown craze of snatching up powdered formula between the end of 2012 and the beginning of this year. It is unimaginable and utterly ridiculous that in Hong Kong, an international financial city, there is a shortage of baby food. Regarding competition for school places, under the Government's education policy, primary students are encouraged to attend school in the neighbourhood so that parents can take care of them easily. Many Honourable colleagues now present in the Chamber are also parents. Should children get sick when they are in school, parents can pick them up from school within a short time. But, let us imagine this. Because cross-boundary students are studying in Hong Kong and the Education Bureau has not effectively dealt with their diversion, students in North District, Sheung Shui, Fan Ling, or even Tai Po and Sha Tin have been affected as they must attend primary school in another district; what will happen if they get sick?

Why do we say that many conflicts between Hong Kong and the Mainland have arisen in the past few years? Deputy Chairman, after Hong Kong's reunification, that is, in the first few years after the handover of sovereignty, we have been criticizing the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region or the Beijing Government for interfering with the process of Hong Kong's democratization and stalling the progress of Hong Kong's constitutional reform. Such conflicts between Hong Kong and the Mainland have now fully infiltrated from the political perspective

to the economic, social, livelihood and cultural perspectives as a result of the Government's policy blunders. Nonetheless, we can see that the Government, upon hearing the voices representing the interests of the business sector, has made no adjustment to the IVS policy. It only concerns about its own interests; and now, it even proposes to allocate a substantial sum each year, amounting to several tens of millions of dollars of Hong Kong people's hard-earned money to promote the IVS policy in the Mainland.

Deputy Chairman, in 2007, tens of millions of tourists had visited Hong Kong, and one in every two visitors came from the Mainland. At that time, the HKTB — Mr James TIEN of the Liberal Party is not in the Chamber now — should have started to make adjustments. By 2009, because there were some 10 million ..... Last year, that is, in 2012, 48 million tourists had visited Hong Kong, and for every four in-bound tourists, three were IVS visitors from the Mainland. Do we still have the need and justification to allocate substantial resources on the promotion of the IVS in the Mainland? It is absolutely unnecessary to do so. Deputy Chairman, there is no need to do so at all.

Moreover, the present development of tourism in Hong Kong is not only attributed to IVS visitors, and, in my view, the policy itself has failed to achieve its originally intended objectives. Of course, tourism is a kind of commercial activities, and it also allows mutual cultural exchanges among different regions, as well as increase the understanding and mutual trust among people of different places. Nevertheless, I consider Hong Kong's tourism overly unitary and its scope is getting narrower and narrower. In the process of policy formulation, the Government has neither allowed the participation of the public nor listened to their views. Despite the current public outcry on the numerous conflicts between Hong Kong and the Mainland, the Government still turns a deaf ear. It still sticks to or reminisces about the previous mode of tourism promotion by merely focusing on commercial benefits with slogans such as Hong Kong being a "Shopper's Paradise", and so on. To me, the present development of Hong Kong's tourism is not in a healthy state as it only seeks development in "quantity", but not "quality".

Deputy Chairman, the HKTB has all along been dominated by many businessmen, and as evident from its previous promotion initiatives, the focus is on achieving "instant" economic benefits. As regards how to promote Hong



Kong's tourism development in a more balanced and better direction, for example, the promotion of scenic spots, antiquities and local culture, the HKTB has failed to handle the relevant work owing to its lack of cultural qualities and vision. If we browse through the HKTB's website, the attractions recommended for tourists are still the Avenue of Stars, the Peak, Women's Street, as well as theme parks such as the Disneyland and the Ocean Park. In this connection, we wonder if there are only theme parks in Hong Kong, and whether tourists can only come to Hong Kong for shopping? Obviously, over the past few years, overseas tourists have kept visiting Hong Kong for sight-seeing and consumption not only because of those features, yet the HKTB's work in this regard has been unsatisfactory.

Looking back to some 10 years ago, the trend of development of tourism was more diversified and global, aimed at attracting tourists from various countries. But years later, to date, the development trend has become lop-sided and unitary given its sole reliance on local shopping by Mainland IVS visitors. As a result, Canton Road has become a place where only shops of famous brands can survive.

Although we are aware that the HKTB's work is related to Hong Kong's economic activities, it has only allocated substantial resources unitarily on opening up the Mainland market, which actually presents a certain degree of risks in case the Mainland economy reverses. Given our over-reliance on tourists from a single place, the worsening of the Mainland economy will of course deal a heavy blow on Hong Kong's tourism industry. Deputy Chairman, we can see that after the "restriction on the quantity of powdered formula" came into operation, some pharmacies were hard hit suddenly as they had hoarded large quantities of powdered formula.

Hence, I very much hope that the HKTB can listen to our discussion in the Legislative Council. In the past, we had also written to the HKTB to reflect our views, but it just keeps on allocating substantial resources in this regard, and has even increased the amount. Deputy Chairman, if my memory serves me right, in 2012, the HKTB only spent \$27 million on attracting IVS visitors; now that there are so many IVS visitors, it still proposes to increase the amount to some \$51 million. I do not consider this proposal acceptable. Also, I do not think Hong Kong people will find this arrangement reasonable.

Therefore, Deputy Chairman, I consider that by reducing the annual expenditure invested by the Commerce and Economic Development Bureau from the subvention to the HKTB on promotional activities in the Mainland market, it can help prevent Hong Kong from having the continuous negative impacts brought by the uncontrollable IVS policy which would result in further conflicts between Hong Kong and the Mainland. I wish to see the development of Hong Kong's tourism along a direction with long-term vision and hence, I hope Members would support this amendment I propose.

Deputy Chairman, I so submit.

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

**DR KENNETH CHAN** (in Cantonese): Deputy Chairman, this filibustering war has been cut off brutally. Originally, I intended to speak and express my feelings about reducing the annual salary for Secretary Eddie NG, as well as reducing the annual expenditure for the Central Policy Unit (CPU), which I am going to talk about now. I do not merely express my personal feelings, as a member of the education sector, I strongly disdain the CPU (especially what the Head of the CPU had said and done in the past). I make the relevant statements for this reason.

In my last speech, I voiced my views on Secretary Eddie NG. I believe I do not merely express my personal views, but also the disdain felt by many stakeholders in the education sector which I represent, including teachers, parents and students against the past performance of this "intern" Secretary, as well as their aspirations thus arisen. What is the purpose of having the CPU? If we do not review the history, we might indeed have no idea. Nonetheless, I am also aware of the concern of Members, that is, what tasks will the CPU undertake in the coming year such that the Government has to take out \$30-odd million from taxpayers to maintain its work. In fact, we had asked the same question repeatedly on various occasions, including a number of different sessions for examining the draft Estimates, but no answer was forthcoming. Being such an important think tank, or at least described as such by the Government, the CPU's views, activities and research findings will directly impact on the Government's

administration. How should the CPU realize its visions, or in respect of collecting public opinions, how should it reflect the different voices in society and advise the Government which areas of work should improvements or more efforts be made, or which areas of work should not be pursued in order to avoid stirring up public sentiment? It seems that we can find no answers.

First of all, after this term of Government came into office, the CPU dealt us the first blow by taking back the annual provision of \$20 million allocated to the Research Grants Council (RGC) for the Public Policy Research Funding Scheme. This decision was made without consultation, and no dissenting view had been heard. We could only react, counter-attack and refute passively. Obviously, the academic sector was right in this matter, but why did the Government still support the CPU to execute this wrong decision which has led to huge public outcry? Is it because after LEUNG Chun-ying became the Chief Executive, people who have been closely connected to him have taken advantage of the situation by occupying important positions in various government departments, so that they can eventually change the established policies and practices that are genuinely beneficial to Hong Kong? Under a rational, sustainable and healthy interaction environment for public policy research, this approach of having a complete makeover with the change of government, or as the Chinese saying goes, "Having a new line-up of ministers to serve a new sovereign", is neither desirable for Hong Kong nor should be allowed to develop further.

As we can see now, the RGC of the University Grants Committee is forced to find other ways to raise funds, so that people in the education sector with commitment, ideas and vision on public policy research can continue with their work and contribute their strengths through a funding scheme under a well-established, open, fair, impartial and accredited system. In this way, they can, through research and publication of research findings, express their devotion to serving Hong Kong and their sense of caring for Hong Kong. Nevertheless, in my view, the CPU has acted with bad intention or even without compassion by not considering this question. So far, we know nothing about how the allocated provision will be used after it has been taken back and whether the funds can be used more effectively than under the current system to achieve the intended effects as it has envisaged.

What is the underlying reason for the CPU's continuous expansion and recruitment of more staff? Are the staff employed for giving due consideration to the so-called sentiments of the Mainland in promoting and formulating various policies by government departments in future, as revealed by the media? That is, we should consider the sentiments of Mainland media, officials and civic communities. Should our resources, originally used for conducting researches to serve Hong Kong's interests and long-term development, keep tab on public sentiment and formulate long-term planning to keep tab on the sentiment of the Mainlanders? Must our every step, every word and every initiative take into account the sentiments of the Mainlanders, as well as the factor concerning public relations? Has the nature of the CPU been changed? Deputy Chairman, if you ask me, as I have been involved in teaching and engaging in research work in the university for 10-odd years, I would say that the nature of the CPU has already been changed. This change has come so quickly and rapidly that other government departments may still be kept in the dark completely.

The CPU also has a new function, that is, to advise the Chief Executive and various policy departments on making appointments. What exactly is its role? Does it mean that from now on, any person who aspires to serve our society must fawn on certain important members of the CPU, trying to make them aware of him and hear his views, such that he has the opportunity to take up some public posts and contribute his strengths? Has it become a nepotistic department? Is the new appointment system an arrangement for making coterie appointments within the coterie? Of course, the Government will not give us such a reply.

Society is filled with grievances and depressions because of the above reasons. Hence, the issue of retaining or abolishing the CPU is worthy to be raised and discussed in this Budget debate. I have been waiting in anticipation for this debate session. This morning, this anticipated session has suddenly been compassed into a joint debate to be completed within one day. Some Members left the Chamber in protest, while other Members who argued their case with the Chairman were evicted from the Chamber. I bear with me the expectations of the education sector as well as my electors; they consider that I should continue to make myself heard on these issues. Therefore, I choose not to throw down the microphone and leave the Chamber; instead, I stay in the Chamber to face this cold-blooded and apathetic Government, as well as the President of the Legislative Council who is willing to conspire with the Government. This

uncompromising decision to cutting off the filibuster is tantamount to cutting short a ball game without any reason by changing the rules of the game suddenly, which has caught us completely by surprise.

Of course, in respect of reducing the annual salary for Secretary Eddie NG and deleting the annual expenditure for the CPU, I have made good preparations and can stand up and speak anytime. Hence, today, I stay in the Chamber and keep on speaking, hoping to put this on the Council's record. Notwithstanding the controversies today and regardless of the humiliation suffered by the Legislative Council from the Executive Authorities, or notwithstanding Members' act of silencing themselves by wearing a mask voluntarily or kneeling down on their own accord in order to bring down the Legislature, we must remain standing and speaking. There are many ways of protest, and one of them is to continue expressing our views .....

**DEPUTY CHAIRMAN** (in Cantonese): Dr CHAN, you have strayed away from the question. If you want to express your views on the ruling made the Chairman today, you should state them to the Chairman directly. For now, please speak on this question.

**DR KENNETH CHAN** (in Cantonese): There is a close relationship between the ruling made by the Chairman today to cut off the filibuster and my speech .....

**DEPUTY CHAIRMAN** (in Cantonese): I have already reminded you that you should not comment on the Chairman's ruling to cut off the filibuster.

(Mr CHAN Chi-chuen stood up)

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, what is your point?

**MR CHAN CHI-CHUEN** (in Cantonese): Point of order. Even "Uncle Fat" who is in his seventies is now sitting in the Chamber, I would like .....

**DEPUTY CHAIRMAN** (in Cantonese): Please raise your point of order directly.

**MR CHAN CHI-CHUEN** (in Cantonese): I request a headcount under Rule 17(3) of the Rules of Procedure.

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

(The summoning bell was ringing)

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, please move your slogan board slightly away because it has blocked my view and I cannot see Mr LEUNG Kwok-hung.

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

**DEPUTY CHAIRMAN** (in Cantonese): Dr Kenneth CHAN, please continue to speak.

**DR KENNETH CHAN** (in Cantonese): Deputy Chairman, had you been slightly more patient, I could have continued with my speech without the need of summoning Members back.

In the face of such a situation in Hong Kong, should the CPU conduct researches on the relationship between the Executive and the Legislature? When my speech was being interrupted, I was trying to make this point known to the public. In this Council formed through an undemocratic method, when minority Members want to fight for more justice in society through filibustering, the CPU

has disappeared. As Hong Kong is now facing the important issue of whether genuine universal suffrage can be implemented in 2017, the CPU has disappeared again. Why then do we need the CPU?

On further analysis, we note that different committees and the Finance Committee have examined the relevant funding submissions made by the Government over the past nine months or so. It turns out that the Chief Secretary for Administration had applied for funding to create posts to conduct researches on population policy and poverty alleviation policy and the application was approved by the Legislative Council. As the CPU is the think tank of the Chief Secretary, how come it has neglected and breached its responsibilities? It does nothing about conducting researches, but only cares about currying favours, forging ties and getting higher positions. Consequently, the Chief Secretary must apply for further funding to recruit more professional talents, people who actually conduct researches, to assist her in contemplating policy development and reform. Undoubtedly, the relationship between the Executive and the Legislature warrants researches and debates, but it seems that nothing has actually been done by the CPU in this respect at all.

Political problems must of course be resolved politically and hence, we must express our views on this matter of vital importance. What is the CPU's advice to the SAR Government? Does the CPU tell the SAR Government to threaten and exert pressure on the Council, and to "help one group and hurt another" in order to resolve the tense relationship between the Executive and the Legislature? In fact, Deputy Chairman, as the Chairman of the House Committee, you have the opportunity to meet the Chief Secretary every week to discuss issues about the relationship between the Executive and the Legislature. Of course, you will come across matters that are unknown to other people like us who have not participated in the relevant activities and meetings.

We often have one question. Before the reunification, when the Government established the CPU during the colonial era, it did not wish the public to misunderstand or have a wrong perception that this policy unit was a mini-think tank to recruit cronies to form cliques within the coterie; instead, it should be transparent to the public, fair, open and impartial. Hence, speaking of the first Head of the CPU, Prof LAU Siu-kai, although his political stance is poles apart from mine, we at least have some understanding about his learning, achievements, expertise and writings from the time we were students. How

about the CPU of today, what are its areas of expertise, and what kind of work is now being undertaken? What results can be achieved and presented to the public with its annual provision of \$30-odd million of taxpayer's money? Apart from taking back the \$20 million funding allocated to the RGC for public policy research without any explanation, what kinds of researches will be undertaken? We are very keen to get answers for these questions, and have made great efforts to ask these questions in full compliance with the rules. Yet, no answer is forthcoming.

Therefore, the Budget debate in the Legislative Council actually gives Members the opportunity for gatekeeping. Although we cannot allocate additional funding to officials or departments with satisfactory performance in our opinion, for those officials or departments with poor or unsatisfactory performance, and without public support or without credibility ..... In some cases, they have even been given a vote of no confidence by the communities or people that they have direct contact with, for example, for Secretary Eddie NG, it is the education sector, and for the CPU, the academic sector. Hence, we can duly speak and perform our duties by asking these questions, so that they can be put on record. The voting this time will still be unsuccessful. In fact, only a minority of Members in this Council can understand our reasoning, yet we represent the voice of the majority in society. Even if our amendments are voted down or we do not take part in voting, at the end of the day, they still get a demerit point, and for me personally, they get a big demerit point.

If they remain complacent and neglect their duties in the next financial year, this problem will still persist. Regarding next year's budget, if the performance of Secretary Eddie NG and the CPU has not improved and remained the same, I or even other Members will continue to express our angry yet clear voice of opposition. We will tell the public through the budget debate that they should not receive money from taxpayers and do things that can bring no help, or may even harm the society of Hong Kong.

I so submit.

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



**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, since the situation has become very chaotic, I do not know ..... as I cannot find the latest paper issued by the Chairman, I ask you to deal with this matter. I want to comment on the original Amendment No 252 in the 38th joint debate, which targets the Long Term Housing Strategy Steering Committee (the Steering Committee). We propose to deduct an amount equivalent to the annual estimated expenditure for the staff that provide support to the Housing Department in its review of the long-term housing strategy.

Deputy Chairman, we have talked about universal retirement protection for a long time but the authorities have not given us any response. Even "Po Po" has left now. I asked him if the justifications raised by him back then on supporting the feasibility of universal retirement protection were still valid. However, he has now left. There is nothing I can do, right? All of them said that I do not have any grounds but after I have spoken, none of them refuted what I have said. Take Mr WONG Kwok-hing as an example, he did not refute what I have said either, so I have no alternative but to speak up for those people who have nowhere to live.

(THE CHAIRMAN resumed the Chair)

In fact, the review of the long-term housing strategy is certainly a core part of the Government's governance because "689", that is, LEUNG Chun-ying, believes that this is his top priority. Why do I want to deduct the annual estimate for the staff that provide support to the review? Because there are many problems relating to the Steering Committee, including conflicts between the interests of its members and its functions. The function of the Steering Committee is to review the long-term housing development and the relevant policies for Hong Kong and at the same time, monitor the situation and provide guidance in this regard. Chairman, have you had your dinner? To eat is to fill yourself up with food but if officials or people with public powers have any conflict of interests, this is to line their pockets.

According to the records of the Land Registry, all 18 members of the Steering Committee have their own properties, that is, they are property owners. In the process of formulating housing strategies, naturally, stakeholders should

play a part and they should be people renting residential units or living in public housing, should they not? However, there is no such representative. According to the records of the Land Registry, among the 18 members in the Steering Committee, 13 of them own properties worth over \$10 million — of course, \$10 million is not that much nowadays.

Among these important people, one of them is Mrs Helen CHAN, who works as the Government Economist, that is, the lady who comes to the Legislative Council very often. Together with someone called Daniel CHAN, she jointly owns two luxury residential units at — this is very special because TUNG Chee-hwa assigned it to LI Ka-shing — the Bel-Air — and the Leighton Hill, as well as three ground-level shops in Mong Kok, North Point and Wan Chai. The total market value is close to \$80 million, so she rightly deserves the title of "property queen". She is still falling somewhat behind Mr CHAN Kam-lam, is she not? A shop located in Tai Wai owned by the latter is already worth \$90 million, buddy.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please do not comment on issues that are irrelevant to this question.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am just giving an example. There is also a super "LEUNG's fan" called CHOI Ngai-min whom Members can see very often. He has less than three taels of flesh on his face and always wears a sour expression. This "property king" once proposed that a sports stadium in the Kai Tak Development Area in Kowloon East should not be built and that more residential buildings for Hong Kong people should be built there instead. As we all know, this "property king" called CHOI Ngai-min is a super "LEUNG's fan" and he is the Chairman of Land Power International Holdings Limited, which is a real estate agency. There is only one residential unit under his name. Chairman, as you know, this is because one can buy residential properties through companies, right? One can buy 10 residential properties through a company registered in the British Virgin Islands. However, there is nothing that one can do. I do not know why but he owns a residential unit at the Mid-Levels under his name which is worth as much as \$50 million in market value. When I was collecting information, this unit was worth \$50 million but it is perhaps worth about \$60 million now. There is also another person whom all of us know, and

he is Mr LAU Ping-cheung, a former Legislative Council Member. He owns three units worth a total of about \$42 million in market value in a commercial building in Causeway Bay. LEUNG Chun-ying thinks highly of these two gentlemen because he considers them to be his think tank, so he appointed them. If we allocate funds to them for their involvement, they would do nothing but wine and dine, or they can be his think tank.

These two people are really formidable, right? A non-official member, Mr Andrew LAM, is really formidable in terms of the amount of land, the number of properties, or the shares and remunerated jobs he holds in many companies as declared by him. He is the champion, or the Bayern Munich, a top-class person. This Mr LAM — or this person surnamed LAM, since it is not known if this person is a man or a woman from the Chinese name — made candid declarations with little concern about other people's opinions. According to his declaration, he owns a total of three residential units on Hong Kong Island and Lantau Island, as well as a property in an industrial building on Hong Kong Island. Moreover, this person also owns a piece of farmland in Sai Kung. As regards remunerated employment and offices, frankly speaking, you would not be able to make a right guess because the total stands at 27. If he works five days a week, he would not have enough time for these 27 posts, so why did the Government still appoint him? He already has to take up part-time work for more than seven days a week and take up two jobs at a time, so why give him another one? In addition, apart from taking up 27 remunerated and appointed offices, he is also the proprietor and partner of 23 companies. How can he split himself into? How many pieces he has to chop himself into? Again, this Andrew LAM is a "LEUNG's fan".

To give a brief introduction, among these 18 persons in the Steering Committee, only the Permanent Secretary for Development — of course, the Permanent Secretary is the civil servant in charge of planning and lands and his name is Thomas CHOW — and Dr Andy Kwan, the academic in economics, Mr Fred LI, the former Legislative Council Member, and Professor FUNG Ho-lup, the Adjunct Associated Professor of the Department of Social Work of The Chinese University of Hong Kong, own units worth less than \$10 million in market value. Not that they do not own any properties, rather, they do. Buddy, in all honesty, if the property market takes a dip, can you say how profound the effect on them will be?

Chairman, will you catch a mouse and have it guard over a piece of roasted meat, making it guard over the piece of roasted meat but not giving it a taste of the meat? Of course, you would not do so. Only a brief description would make one see that despite all the glitzy appearance, it is actually rotten inside. Moreover, there is another point about these 18 members — you all have had a taste of this but I have never held any government post before. I only stage protests — do you need to read these documents? He asked you something, so is it necessary to let you read the documents? Now, even "the one best at splashing muck" has become muck himself. As said by the Chairman, he can now receive pay without going to work. "The one best at splashing muck" said, "I did not know" — he did not know about it — but this group of people actually did know about it. The Government refused to disclose the information on land supply on the pretext that land supply involved sensitive market information, so the Steering Committee could only study the demand. After convening the first meeting, the Chairman of the Steering Committee, Anthony CHEUNG, said, "Supply and demand are the two sides of a silver or bronze coin" — it does not matter if it is a silver coin or bronze coin — so he hoped that in the end, the Steering Committee could draw up the targets for the Government. However, it could not be confirmed if a decade would be adopted as the quantified target. Anthony CHEUNG said, "We will not provide sensitive market information on land to the Steering Committee".

However, after the Steering Committee held a meeting on 21 February 2013, Anthony CHEUNG further pointed out that in order to forecast the housing demand of the local population, the authorities intended to adopt a new demand forecast model for housing and introduce the two concepts of "stock" and "flow", so as to make assessment and projections according to econometrics. Chairman, econometrics is something for you and I do not really know what it is about. It is a methodology used to estimate the future housing demand, so as to determine the future housing supply. He also said that housing demand included the housing demand of the local population and transient population, but local and external investment demand are excluded. After this remark from Anthony CHEUNG, CHOI Ngai-min immediately responded, saying that the Government had adopted a reasonable approach in not taking into account the housing demand arising from investment needs, because if investment needs had to be factored in, the supply of housing units would never be enough. Furthermore, the Government had agreed to consider the housing demand arising from the small house policy. Buddy, obviously, this policy would have a bearing on the properties owned by them, would it not? CHOI Ngai-min — I demand to

reduce his pay — had, on 21 October 2012, changed his cooking stove as "Po Po" did, because LEUNG Chun-ying had already come to power. When attending the City Forum, he said that he supported the Government in converting more industrial buildings in the urban area into legal "sub-divided units" — that is really terrific — as well as allowing property developers to legally operate "sub-divided units" and letting out such units after improving the fire safety facilities in these industrial buildings, so as to boost the housing supply in Hong Kong expeditiously. Secretary for Development, what else do you want to say? He also issued an open letter — I do not know what he is saying now — he said that LEUNG Chun-ying had been negligent in the incident (Members surely know what incident he was referring to — it is the "one plus one equals to zero" incident — digging a hole and building a wall), and had handled the incident inappropriately. However, as he had apologized to the public a number of times, no issue of integrity was involved and he hoped that the incident would, after thorough discussions, come to an end.

Chairman, worms breed in decay and our Chief Executive has been a pimp in real estate — that is, to act as a go-between between buyers and sellers. Just as what my old friend, SHIH Wing-ching, would do, he deceived buyers by saying that all units would be sold out soon, and deceived the sellers by saying that if the price was not lowered, it was not possible to sell the units. Therefore, frankly speaking, although you have searched near and far, in the end, you could only find CHOI Ngai-min — CHOI Ngai-min, I just have no idea if he can still hold on — he can say anything he likes, even wrong things. Such is the approach known as French-style diplomacy: Release a balloon into the air, then shoot it down.

Chairman, the conflicts of interests that exist in the Steering Committee are obviously highly deplorable, so why do we still allocate funds to it? Why not let tenants in "sub-divided units" and public rental housing units, tenants having a hard time paying rent, people who want to buy HOS flats but cannot afford them and people who cannot move into public housing voice their views? Is the Steering Committee the "Long Term Housing Loot-Sharing Strategy Steering Committee"? Therefore, Chairman, I have no alternative but to reduce the expenditure earmarked for providing support to it (*The buzzer sounded*) ..... to cut its expenditure and just like you, to guillotine it.

**CHAIRMAN** (in Cantonese): Mr LEUNG, your speaking time is up. Does any other Member wish to speak?

**MR GARY FAN** (in Cantonese): Chairman, in the Budget debate every year, the Legislative Council provides an important opportunity and platform for us to examine some estimates of expenditure put forward by the Government that we consider unreasonable. Therefore, I do not agree to your ruling to cut off the filibuster this morning because that would significantly reduce the time of our debate.

Chairman, I now speak on behalf of the Neo Democrats on the amendment concerning the estimates of expenditure for the Transport Department. My amendment aims at reducing an amount equivalent to the annual estimated expenditure for the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (Self-drive Tour Scheme), which is to reduce head 186 by \$3,260,000 in respect of subhead 000.

Chairman, many objective data prove that the Self-drive Tour Scheme will have little efficacy. I see that Chairman is thumbing through the papers. Are you reading the amendment that I am discussing now, Chairman?

**CHAIRMAN** (in Cantonese): Please continue.

**MR GARY FAN** (in Cantonese): Okay.

The Self-drive Tour Scheme will give rise to environmental problems and even safety problems, which I am most concerned about. The Scheme is a typical case to illustrate the Administration's blind pursuit of "China-Hong Kong Integration", and it is absolutely not worthy to spend money for its implementation.

According to the information provided by the Government to the Legislative Council, one year after the implementation of the first phase of the Self-drive Tour Scheme, the Scheme has been met with general apathy. Last year (2012), of the quota of some 18 000, only 1 593 applications were made, that is, less than five applications each day. The number of applications made during the whole year was less than 10% of the quotas available and most applications

were made around the Chinese New Year holidays. It is evident that Hong Kong people's demand for northbound driving is very low. It also proves that the Self-drive Tour Scheme is tailor-made by the Government for southbound vehicles from the Mainland instead of for the convenience of Hong Kong people to drive northward.

Chairman, I now comment on the traffic and environmental problems brought by the Self-drive Tour Scheme to Hong Kong. According to the information provided by the Government, there would be about 1 900 "vehicles belonging to the Mainland governments, departments directly under the Mainland authorities or some enterprise units ..... issued with international circulation permits for use in Hong Kong". However, the Government had originally estimated that when the Self-drive Tour Scheme was initially implemented, some 3 500 Mainland private cars would be permitted to enter Hong Kong every day. That would increase the burden of the already over-loaded traffic network in Hong Kong.

In recent years, for the sake of alleviating traffic congestion, the SAR Government has increased the annual vehicle licence fee, driving licence fee, fuel surcharge as well as First Registration Tax of Private Cars, so as to contain the number of local private cars. On the other hand, the Government has implemented the Self-drive Tour Scheme to bring in 1.27 million extra vehicles from the Mainland to add to the burden of our traffic network. This Scheme runs contradictory to the transport policy of Hong Kong.

Chairman, apart from traffic problems, the Self-drive Tour Scheme will certainly have adverse effect on air quality and the environment of Hong Kong. According to the information provided by the Friend of the Earth, the SAR Government is planning to tighten the emission standards for newly registered motor vehicles to Euro V level, that is, the sulfur content in the emission must be lower than 10 ppm. However, it was only in July 2011 that the Pearl River Delta government required the newly registered light diesel vehicles to comply with the National IV Standard, that is the sulfur content in the emission must be lower than 50 ppm, while vehicles in other places can still comply with the National III Standard, that is, the sulfur content in the emission must be lower than 150 ppm. Comparatively speaking, the emission standard in the Mainland is 15 times lower than that of Hong Kong. If Mainland vehicles of a low emission standard are allowed into Hong Kong, how will air pollution in Hong Kong not further deteriorate?

Chairman, the Self-drive Tour Scheme not only arouses our concern about air pollution, it also brings hidden worries about traffic safety in Hong Kong. It has very often been reported by the media about Mainland people getting their driving licence without taking the examination and such cases are very common in the Mainland. Moreover, the Mainland driving licence is not recognized internationally. My office has received a request for help by a Hong Kong resident some time ago. That person has held a Hong Kong driving licence for decades but as he was not born in Hong Kong, when he applied for a British driving licence, he was suspected by the United Kingdom authorities that his Hong Kong driving licence was issued to him on the strength of his Mainland driving licence. Eventually, his application was rejected. If the Mainland driving licence is recognized by the international community, how would there be such a request for help?

Moreover, the driving habits, traffic rules and road signs of China and Hong Kong are very different. All road signs in Hong Kong are printed in traditional Chinese characters and the English names of places are mainly in Cantonese phonetics. Drivers participating in the Self-drive Tour Scheme may not understand some of the characters or symbols on the road signs and thus unable to judge the traffic condition. Any misunderstanding or misinterpretation of the road signs or symbols may lead to traffic accidents and put the safety of other road users in jeopardy.

Apart from the difference in driving culture, another very important point is the difference in the car systems of the two places. Vehicles in Hong Kong are right-hand drive and we drive on the left hand side of the road while Mainland vehicles are right-hand drive and they drive on the right hand side of the road. The difference in the systems may easily lead to traffic accidents. Let me make a reference to the experience of cities that have implemented or are implementing a similar scheme as the Self-drive Tour Scheme. A study by the Association of British Insurers has found that between 2001 and 2004, the number of cross border vehicles driving in and out of the United Kingdom increased 14% but at the same time the number of accidents involving these vehicles also increased 28%, mainly caused by the difference in the systems of the vehicles.

All these figures have indicated the potential risks brought by the Self-drive Tour Scheme. However, in my view, it is the most appalling that some motorists in the Mainland adhere to the implicit rule of "rather have the victim killed than injured in a traffic accident". According the law in the



Mainland, all car owners have to take out the compulsory traffic accident liability insurance for motor vehicles to cover the loss of lives and property of a third party in a traffic accident. Take for example a five-seat private vehicle, the annual premium is about RMB 1,000 yuan and the coverage is RMB 120,000 yuan. This amount is far lower than the minimum statutory coverage for the death and injury of a third party in Hong Kong, which is HK\$100 million at present.

Since the third party insurance coverage in the Mainland is on the low side, the compensation for death is very often lower than that for the injured victim. Hence, in the Mainland, there is an implicit rule that in case of traffic accident in the Mainland, "rather have the victim killed than injured in a traffic accident". If a driver injures someone in a traffic accident, he will be thrown into a bottomless pit of economic burden and will face endless demands for compensation by the injured person himself or his relatives. While the civil compensation for killing a person in a traffic accident may not be small, it can be paid off once and for all. Driven by this implicit, in recent years there have been cases in the Mainland where the driver does not send the injured victim to hospital after knocking him down or even kills the victim.

Members in attendance may think that I am exaggerating but they can use their laptop or tablet computer on hand to search online under the keywords "rather have the victim killed than injured in a traffic accident" and they will easily find 20 such cases in the Mainland. Chairman, one case of such nature is already too many but it is unfortunate and pathetic that we can often learn about such cases on the news. To safeguard the safety of Hong Kong residents and properly protect the environment of Hong Kong, I request the Government to abolish the Self-drive Tour Scheme, which is a necessary and reasonable measure.

I hope that Members will support my amendment to reduce the amount equivalent to the annual estimated expenditure for the Self-drive Tour Scheme.

Chairman, I so submit.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, can we ask officials to reply in this joint debate? Because "Po Po" is in the Chamber.

**CHAIRMAN** (in Cantonese): Later, I will ask if any official wishes to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): I want him to reply because I have already asked him several times.

**CHAIRMAN** (in Cantonese): It is time for Members to speak now. Please continue to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): If you do not allow him to reply, there is nothing I can do.

I can now talk about other matters. At the time of our filibustering, I met a person when travelling on the MTR. He came forward, patted me on the shoulder and said, "Mr LEUNG, it is very difficult to earn a living these days (he works as a driver). Why do so many Filipinos work as drivers? My salary as a driver is getting lower and lower ....."

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is the head of expenditure that you are speaking on?

**MR LEUNG KWOK-HUNG** (in Cantonese): You have confused me. That is the original Amendment No 253 which seeks to reduce head 62 by \$2.95 million in respect of subhead 000, which is roughly equivalent to ....., No, it should be the original 44th joint debate, that is, Amendment No 267 which seeks to reduce head 70 by \$14.12 million in respect of subhead 000, which is equivalent to the annual estimated expenditure for the staffing provision of the Immigration Department (ImmD) in enforcing the General Employment Policy (GEP), and then there is ....., The other amendment is Amendment No 268 which seeks to reduce head 70 by \$7.84 million in respect of subhead 000, which is the annual estimated expenditure for the staffing provision of the ImmD for enforcing the

Admission Scheme for Mainland Talents and Professionals. Those are the two amendments. As you have disrupted me, I cannot find them right away, I am sorry.

That person said, "Your filibustering is useless for me." I said, "It is useful for your mother." He said, "Yes, but I cannot make a living. Why do so many Filipinos work as drivers?" I said, "People having darker complexion than you are not necessarily Filipinos." He said, "Yes, some drivers are Africans." I have no idea how he knew about it. That is the problem. In fact, this problem has been raised by the Hong Kong Federation of Trade Unions (FTU) and the Federation of Hong Kong and Kowloon Labour Unions (FLU). Mr WONG Kwok-hing had also asked this question loudly; he just says nothing now. Why are there so many non-local people acting as chauffeurs? I do not know if that aggrieved person is watching our debate tonight. I will definitely speak on his behalf in the Legislative Council. As the Chairman's guillotine will spare no one once if it is put to use, I must speak on his behalf as soon as possible. Actually, what kind of problem has this person encountered? That is because the ImmD, whose staffing provision I am seeking to reduce now, has made serious mistakes when handling the GEP.

Chairman, why does the ImmD implement the GEP? The GEP is to allow local employers to recruit professionals not readily available in Hong Kong to meet their manpower needs. In general, professionals seeking to apply to work in Hong Kong under the policy are required to meet three main criteria: (a) having a good education background, normally a first degree in the relevant field; (b) having a confirmed offer of employment and are employed in a job relevant to their academic qualifications or working experience that cannot be readily taken up by local professionals; (c) the remuneration package is broadly commensurate with and not inferior to the local prevailing market level; and (d) the admission of Mainland persons is not covered under this policy. In other words, except for Mainland persons, others are only required to meet three criteria.

Chairman, why do I seek to reduce the salaries of these people? In the ImmD, a total of 28 officials are responsible for handling this scheme, including five Senior Immigration Officers, eight Immigration Officers, two Chief Immigration Assistants, one Assistant Clerical Officer and two Clerical Assistants. Their total annual salary costs are \$14.12 million. What are their duties? As of February 2012, 25 772 persons had come to Hong Kong under the

GEP, including 3 778 from the United States, 3 644 from the United Kingdom, 2 125 from India and 1 381 from the Philippines. In fact, the approval rate was over 90%. In other words, almost all applications were approved. What purpose does the GEP serve? Its long-drawn criticism from the FTU and the FLU is that we already have the Supplementary Labour Scheme (SLS) in place. Do Members get it? It is a scheme to provide supplementary supply of labour not readily available in the market. Over the years, labour unions in Hong Kong have been fighting for the SLS. Under the SLS, the employer has to first launch a four-week open recruitment exercise, for which the employer must offer wages at not less than the median monthly wages of local workers in comparable positions. During the open recruitment exercise, the Labour Department will conduct proactive job matching for the vacancies, and also disseminate such vacancy information to training bodies and labour unions, inviting them to refer suitable local job-seekers for interview, that is, organizations providing the training will employ the workers, which is reasonable, right? Only when employers are genuinely unable to recruit the required workers locally will their SLS applications be considered. In other words, the relevant organizations must also do their part, such as conducting open recruitment, offering median monthly wages, checking with employers, asking for referrals from training bodies, and so on. Separately, there is another point which I have been criticizing constantly, that is, each application under the SLS has to be considered by the Labour Advisory Board (LAB). Each application must go through the LAB. I have scolded Matthew CHEUNG for allowing the LAB to gain dominance. The LAB has really gained dominance in this matter. The LAB will hold meetings to study all information on individual cases to ascertain whether the applicant has done his part and whether any false information has been supplied before the cases are submitted to the Government for approval or refusal. If employers make applications under the SLS, a lot of trouble would be involved.

However, they can get around in an unorthodox way through the scheme I mentioned at the onset as it has become a "Ho Chi Minh Trail". What should be done? It is indestructible, just like Communist Vietnam. In fact, there are also requirements under the GEP that employers must explain the reasons why the positions cannot be filled by local professionals, whether the positions must be filled by professionals, why the relevant professionals cannot be recruited locally, and so on. However, there are means to get around these requirements because workers and professionals are interchangeable. So long as the employers consider that the positions are to be filled by professionals and not workers, they can apply under the GEP. In that case, the applications will not be vetted by the

LAB because the GEP falls outside its purview. The absence of vetting by the LAB can facilitate the whole process as the employers can bypass the stringent requirements under the SLS which I have just mentioned .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, once again, you are talking about policy rather than staff costs.

**MR LEUNG KWOK-HUNG** (in Cantonese): Under the existing policy, nothing can be done by these people, and they are paid to do something that cannot be done. Does it serve any purpose at all? For example, I ask you to sweep the floor or clean the toilet, which is something you cannot do. You are best at chairing meetings — of course, I will not pay you, even if your salary is reduced 10 times, I will not ask you .....

**CHAIRMAN** (in Cantonese): Please refrain from making irrelevant remarks.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have my reasons. The policy has been abused, yet the Government still glamorously maintains the staff for enforcing the policy, adversely affecting the person I met on the MTR. He said, "Mr LEUNG, I earn less and less as a driver. As more and more people with dark complexion have worked as drivers, can't you help us, Mr LEUNG?" I said, "I have already informed the enforcement departments. When you see vehicles of 'big bosses' in Central driven by people with dark complexion, you may as well drag the driver out of the car and prosecute him because the procedures must have been abused." May I appeal to the man who complained to me on that day, if you have seen such cases, please send me an SMS, so that I know you have seen such cases.

That is the problem. Under the GEP, applications for the import of labour will not be vetted by the LAB, while the approval rate is as high as 90%, and the procedures are relatively simpler. Why is that so? Because there is no requirement under the GEP for employers to conduct open recruitment for the positions locally, that is, the employers can just explain that they have indeed failed to recruit the employees because these are more "important" positions, but they need not conduct an open recruitment because no such professionals are

available in Hong Kong — honestly, they can say whatever they want. Hence, as shown by the relevant data, only a handful of workers are allowed to work in Hong Kong through the SLS after vetting by the LAB, that is, only 900 persons annually. From time to time, the LAB will suspend this scheme because there are too few cases. However, the number of persons allowed to sneak into Hong Kong through the "Ho Chi Minh Trail" I just mentioned — of course, I am talking about the workers, not Communist Vietnam — or under the GEP is as much as 25 times. These people get paid, yet they do nothing; even if they are fully aware of the loopholes in the policy, they take no actions. Is this not acceptable at all?

Simply put, the FTU should also get involved. According to a news report in November 2011, Hong Kong Aircraft Engineering Company Limited (HAECO), a local-bred engineering company, applied to the LAB for the import of 200 foreign labourers from the Philippines to work as Aircraft Maintenance Technicians in 2009 and 2010 respectively, yet no such application is made this year. It turns out that the need for foreign labour is still there, but instead, HAECO just imports 149 Aircraft Maintenance Licensed Technicians directly through the ImmD, and the relevant license which was originally subject to approval by qualified engineers is now issued by the company. The salary has increased to \$20,000-odd, while local workers get \$13,000, but with longer working hours, buddy, very much longer .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you should not discuss individual examples at length. Please speak on the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am a Member, people come to me and say, "'Long Hair', if you do not speak up on our behalf, you should quit as a Member." What am I supposed to do?

**CHAIRMAN** (in Cantonese): You should speak up on suitable occasions.

**MR LEUNG KWOK-HUNG** (in Cantonese): Listen, everybody. The Chairman asks me to speak up suitably. The Chairman asks me to say less about

those trivial examples. The whole thing is actually quite simple. All in all, inadequate action has been taken by the Government to combat or stop the trickery of employers. In fact, the problem can be resolved by consolidating the SLS and GEP, so that the requirements of both must be met before foreign workers are allowed to work in Hong Kong. When the Government hands out benefits, the applicants will be disqualified even if they just fail to meet one of the conditions. This is basically a matter of policy. If the Government really wants to safeguard local labour, approval should only be given when all the criteria under the two schemes are met. As a "Ho Chi Minh Trail" is available now, they would of course try to sneak into Hong Kong.

Chairman, that is why I hope Members of the FTU can speak on this matter because they have raised it time and again. There is no reason why they should tolerate this situation in silence, right? There is no more filibustering now, so please speak.

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

**IR DR LO WAI-KWOK** (in Cantonese): Chairman, the committee of the whole Council has spent many days on examining the Appropriation Bill 2013. During this period, I have tried my best to listen patiently to the justifications put forward by Members proposing the amendments. I spent time listening to their justifications in the Chamber and via live broadcast when I was in my office on some other occasions. Unfortunately, what I have heard most of the time are insults against officials at all levels and relevant parties. Apart from that, I have also heard many pointless remarks which are devoid of constructive analysis. The proposed reduction in expenditure .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Ir Dr LO, please hold on. Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I would like to do something constructive. I wish more people could listen to the magnificent

speech of Ir Dr LO. Please do a headcount according to Rule 17(3) of the Rules of Procedure.

**CHAIRMAN** (in Cantonese): Ir Dr LO, please be seated. Will the Clerk please ring the bell to summon Members back to the Chamber.

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

**CHAIRMAN** (in Cantonese): Ir Dr LO Wai-kwok, please continue.

**IR DR LO WAI-KWOK** (in Cantonese): Chairman, as I said earlier, during the scrutiny of the amendments over the past few days, what I have heard most of the times are insults against officials at all levels and relevant persons. Apart from that, I have also heard many pointless remarks which are devoid of constructive analysis. The proposed reductions in expenditure are also puzzling. Many professional teams in the Civil Service are being attacked, including departments related to engineering and technologies. As a representative of the Engineering sector in the Legislative Council, I must speak on their behalf in order to do justice to them.

For example, Amendment Nos 171 to 175 are related to head 39. I think the proposed reduction of expenditure for the Drainage Services Department (DSD) is very unfair. The duties of the DSD are related to the people's livelihood in Hong Kong. Over the years, engineering works have been improved in various aspects. Of course, accidents did happen in the past, but it is unfair to slash the expenditure for the DSD in the Budget owing to individual accidents in the past.

Amendment No 404 is related to head 137, which seeks to reduce the emoluments for the staff of the Environment Bureau, amounting to some \$34,900,000. Amendment No 406 seeks to reduce the annual estimated expenditure for the general departmental expenses of the Environment Bureau, amounting to around \$31,100,000. In addition, Amendment Nos 497 and 408 seek to deduct the annual emoluments of the Secretary for the Environment and the Under Secretary for the Environment respectively. In other words, these



amendments aim at dissolving the Environment Bureau. Is this a reasonable argument? Are the people of Hong Kong pleased to see this? There may be different opinions on the environmental improvement measures or policies proposed by the Environment Bureau, but there are adequate discussions on different platforms and there will be room for further discussion in the future. It is inappropriate to indicate one's political stance by cutting the expenditure or even all the departmental expenses.

Another example is Amendment No 605 which is related to head 155. It seeks to reduce the Innovation and Technology Commission's annual estimated expenditure for the subvention for the Hong Kong Productivity Council (HKPC), amounting to around \$183,000,000. Over the years, the HKPC has done a great deal of work for various sectors in Hong Kong in order to enhance productivity. As I operate a factory, I am well aware of that. Its work ranges from the low-cost automation technologies including pneumatic and hydraulic system in the earliest days to the upgrading and transformation of industries nowadays. Given its contributions over the years, is it necessary to deduct the whole subvention for the HKPC? Is this fair to the HKPC?

Amendment No 606 is related to head 155, which seeks to reduce the annual estimated expenditure of the Innovation and Technology Commission on the subvention of about \$134,000,000 for the Hong Kong Applied Science and Technology Research Institute Company Limited (ASTRI). Hong Kong has its uniqueness in innovation and technology. As a city with a population of 7 million, while we cannot do well in every research area, we do have excellent achievements in some areas which have reached world-class standard. The ASTRI, as a major research institute in Hong Kong, has been developing and making contributions. Therefore, I am baffled on reducing the subvention for the ASTRI.

Amendment No 636 is related to head 158, which seeks to reduce the annual estimated expenditure for staff emoluments of the Transport and Housing Bureau (Transport Branch), amounting to some \$113 million dollars. This is tantamount to dismissing the Transport and Housing Bureau (Transport Branch).

Amendments Nos 656 and 657 is related to head 159, which seek to reduce the annual estimated expenditure for energizing Kowloon East programme under the Development Bureau (Works Branch), amounting to some \$36 million dollars. The issue of "energizing Kowloon East" has been discussed in different

panels and committees in this Council as well as in society extensively. As regards various projects of the energizing Kowloon East programme, it is inevitable to have different views. In this Council, Members who have special close connection with Kowloon East (including me) — though I am not currently living in Kowloon East, I grew up there — would consider the programme in need of urgent implementation, and they also hope to attain the anticipated result, so that residents in Kowloon East and various industrial and economic activities would benefit. In this context, is it appropriate to reduce the annual estimated expenditure for energizing Kowloon East programme under the Development Bureau (Works Branch)? What are the justifications for this?

Chairman, most of the items in the Budget are related to the recurrent expenditures of various government departments and social expenditures, including welfare benefits. Regarding some special and new initiatives that require funding, discussions had been held by various panels and committees of this Council, Members had also conducted debate on the Budget in this Chamber and had met with relevant government departments. It is absolutely undesirable for anyone to express his political stance by delaying the passing of the whole Budget for this will deal a serious blow to the normal operation of our society. I think the SAR Government should put in more resources for enhancing our competitiveness in the future. Besides, more efforts should be made to improve the people's living standards. Nevertheless, a single Budget cannot meet the needs of relevant investment or resources input. Therefore, I support the Budget and oppose the amendments.

Chairman, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I will talk about head 142, or Amendment No 461, which seeks to reduce the annual estimated expenditure on the honorarium for the Head of the Central Policy Unit (CPU) as well as its full-time members.

During the briefing by the CPU on its work to the Panel on Public Service, we indicated that all expenditure for the CPU had to be reduced because we believed it had changed under the governance of LEUNG Chun-ying. Why did we say that it had changed? When SHIU Sin-por reported on the work of the CPU to the Panel on Public Service, I already had the impression that the role played by the CPU had changed. Previously, the CPU played an advisory role

and conducted more researches for consideration by the Chief Executive during the formulation of policies. We will not object to conducting more policy researches for consideration by the Chief Executive because, after all, there is a need for the Government to conduct more policy researches. However, we absolutely object to the two functions evolved from conducting policy research.

First of all, Sophia KAO was recruited to undertake personnel and manpower co-ordination. Chairman, what does it mean by manpower co-ordination? According to the remark made by SHIU Sin-por at that time, all the personnel appointments made by the SAR Government had to be vetted and approved by Sophia KAO and the CPU. Hence, I immediately asked at that time if that power was just too great. That is tantamount to the Organization Department of the Communist Party of China (CPC) which decides on who can stay in the government structure of Hong Kong. Such power is terrifying because anyone who has the power of making appointments has the greatest power as he can expel all those who do not obey orders. Moreover, he can appoint the sycophants or those "siding with the right group" in important positions. Of course, by the "right group", apart from Sophia KAO, it also includes LEUNG Chun-ying as well. They can screen out their opponents while keeping their confidants in all the advisory frameworks of the SAR Government.

Although I had pointed out at that time that this post carried enormous power, SHIU Sin-por said that it was merely an advisory post with no power at all. Even if he was merely responsible for checking, enormous power was actually involved because just like eunuch LI Lianying, do Members agree that LI Lianying had enormous power? Anyone who wished to approach the Empress Dowager had to do so through LI Lianying. A person holding such power is actually having the power of making personnel appointments, as well as all other powers. I wonder why the CPU is given an extra function for no reasons — this new function is apparently an extra illegal power — its previous functions had nothing to do with manpower co-ordination. Of course, it was said that the CPU had to nurture talents and examine which views expressed by talents in society could be taken on board. In spite of that, the CPU had never been responsible for making personnel appointments, for doing so would turn the CPU into a body similar to the Organization Department.

In my opinion, the present work of the CPU is different from its previous research work. That is why we strongly oppose the CPU's expansion of power

and change of function. As Members should be aware of what happened next, Chief Secretary Carrie LAM denied CPU's power, saying that the relevant Policy Bureaux should still be responsible for making personnel appointments, only that the CPU could offer advice. Even so, "giving advice" is of significance, for it indicates the possession of enormous power. As we all know, the person behind the CPU is LEUNG Chun-ying, and who dares to ignore the advice given by the CPU?

Of course, some people will say that we have to believe that civil servants of various government departments will adhere to their bottom line without being influenced by political pressure. But the question is: How long can they adhere to their bottom line? Can they really do so? This is still a big question. If civil servants can really stick to their bottom line, then what is the point of creating this post? If civil servants cannot do so, the new post created will hold all the powers. This explains why we object to Sophia KAO joining the CPU and acquiring such powers. Owing to our opposition, we request that the relevant expenditure on the honorarium be reduced.

When it comes to the second function, it is now more prominent than before because, according to SHIU Sin-por, the CPU should fight back instead of acting passively under attack. In other words, it will use public opinion to fight back. So, are they prepared to set up an organ similar to the Publicity Department of the CPC Central Committee and strive to make more effort to manipulate and influence public opinion? Of course, LAU Siu-kai had once conducted opinion polls, and he gave us the impression that he had changed. His present successor, SHIU Sin-por, has stated at the outset that he would no longer react passively. The expressions he used were "no longer react passively under attack" and he had to "fight back". Obviously, his objective is to set up an organ similar to the Publicity Department of the CPC Central Committee rather than carrying out research or advise the Chief Executive, as the CPU used to do.

However, if the CPU really sets up an organ similar to the Publicity Department of the CPC Central Committee and wages a public opinion war, it will, to a certain extent, overlap with the Information Services Department (ISD) in terms of functions, because this is precisely what the ISD is responsible for. With an entire government department already entrusted with performing these tasks, the CPU is now squeezing in. Does it mean that the CPU has to illegally perform an additional function? The HKSAR Government is now practising cronyism and appointing its confidants in all posts. It is pretty obvious that

LEUNG Chun-ying appointed SHIU Sin-por to be the Head of the CPU. SHIU Sin-por has been waiting for years and he has finally taken up this post. However, this post merely serves the function of waging a "public opinion war" for LEUNG Chun-ying and, as a result, the practice of the entire CPU has to be changed.

Hence, we believe that the CPU has already changed. Such being the case, its annual estimated expenditure should be reduced and it should be abolished, too. As the CPU is working behind closed doors, it has never released to the public the findings of its policy researches. Of course, the CPU will argue that some researches will be made public, but it will only disclose those which it wants to disclose. The CPU will do some screening before disclosing the findings of the researches to the public. However, it will deny the public to access the research reports. I have cited numerous examples before, and I do not wish to elaborate further on the issue of universal retirement protection. Many researches have been conducted on this issue, but the findings would not be released due to some very ridiculous reasons. That is, as the researches were conducted some time ago, the relevant information was already outdated and people would be misled if the information was made public. The point is that we wish to read the report of the research conducted at that time. It should be up to us to judge whether the information is misleading. The CPU should not assume that it is incomprehensible to us. It is definitely comprehensible to us. After reading the information, we will naturally judge if it is inappropriate or outdated; we can also tell if it is not outdated.

I wonder whether the situation is that upon the completion of researches by the CPU, the Government considered it undesirable for some information to be made public because in doing so, it would trigger opposition and affect the Government. If this is the case, the CPU has definitely conducted screening to conceal the findings of certain researches for political sake. Given that the CPU is funded by public money to carry out research, should it be obliged to conduct research "under the sun" and make public the findings upon the completion of the research, so that everyone will know the results? In my opinion, the CPU has failed to do so and at present, it focuses on making personnel appointments and waging a public opinion war. On the contrary, serious research is being withheld from the public.

The CPU is simply working behind closed doors, and there are serious problems with its operation. The Labour Party wishes to say that the CPU is at

the stage of abolition, and it is absolutely necessary to scrap it. If it is really necessary to carry out researches, I would suggest devolving the authority to all government departments and bureaux, so that they can have more resources to conduct research, thus enabling more serious researches to be carried out. In contrast, the CPU is using policy research as a pretext to make personnel appointments and wage a public opinion war instead of really implementing policies. For these reasons, we strongly request that the annual expenditure for the CPU be reduced. Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I think that although all people were born free, we are actually always in chains. I think the comments made by Ir Dr LO Wai-kiwok are very laughable. He accused me of hurling invectives, and I have certainly played a part in this. He said that I had hurled invectives for a long time. Had it not been the Chairman wielding his sharp sword to cut off the filibuster, he would not have spoken. How come he needs not voice grievances on behalf of his functional constituency? What kind of Member is he? Does it mean that he takes orders from above? Today, I am really not used to listening to him speak with such conviction. I believe that had it not been the Chairman cutting off the filibuster, he would not have spoken. Such a phenomenon in the Legislative Council is very laughable. Instead of discussing issues here, Members have to be told how to discuss issues today.

Chairman, he accused me of hurling invectives but did not point out what mistakes I had made, nor did he point out what mistakes in the facts cited by me. Of course, a responsible Member can propose that the estimate should not be reduced completely and if he thinks that it should be reduced by only \$5, he can propose an amendment at any time. So long as the Government permits, he can even propose an increase to the estimate. Since he is on such good terms with the Government, so long as John TSANG agrees, he can even propose an increase to the estimate. Do you understand? He practically does not know how to be a Member. Since he thinks that the Government has worked very hard and performed a valuable service, he can propose an increase to the estimate. So long as the Government permits, that would do.

He also queried if I have gone too far. Buddy, of course, I have to go too far because this legislature has gone too far, since it is not even willing to make a commitment of \$50 billion. In that event, of course, I have to go even further in order to arouse discussion among Members. Frankly speaking, do the incidents

depicted in the novel *Journey to the West* genuine incidents? The reason why we like to read the *Journey to the West* is that we all consider the policy of cutting the country off from the outside world in the Tang Dynasty as described by the author was not right.

Chairman, let us come back to our main story. Just now, I said that some people had circumvented the Supplementary Labour Scheme (SLS) by hiring workers through other schemes, thus subjecting many workers in Hong Kong to serious oppression. In the speech given by me just now, I pointed out that sometimes, the Labour Advisory Board would stop processing the applications under the SLS because the number of people approved is not that many. In contrast, the number of workers given permission to enter Hong Kong under the general employment policy is 25 times larger than that under the SLS. If we times 25 by 900, the number of people is really colossal.

Chairman, I have given the example of importing workers from the Philippines to work as aircraft maintenance craftsmen .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, this is already the seventh time that you speak and you have spoken on this subject matter more than once, so please do not repeat what you have said.

**MR LEUNG KWOK-HUNG** (in Cantonese): Understood. Chairman, since there are many loopholes, as I said just now, I believe that the two schemes should be merged. If applicants cannot go through the vetting procedures under these two schemes, they cannot hire any imported workers, so as to protect local workers. They should not be given the chance to look for alternative ways. I wonder if my speech amounts to shooting without any target.

Ir Dr LO is now present, so I want to explain to him a little. When he has the time, he really has to read some literature because it requires imagination. My speech now is about pay reduction and he can either vote in favour of or against it. I am sorry but if he gets serious about it, he has lost because I know that the amendment cannot possibly be passed. He does not have to go to a lot of trouble. Getting worked up like this is not beneficial to the body in any way.

I will mention another problem that is related to local workers, that is, the Admission Scheme for Mainland Talents and Professionals. It is possible that

the Admission Scheme for Mainland Talents and Professionals is being abused. Chairman, just now, when expounding on Amendment No 268, that is, reducing head 70 by \$7.84 million in respect of subhead 000, I have already read out the contents of the amendment. The Admission Scheme for Mainland Talents and Professionals was introduced in 2007 and the establishment proposal included two Senior Immigration Officers, 10 Immigration Officers, two Chief Immigration Assistant, one Assistant Clerical Officer, and so on, at a total cost of \$7.84 million.

It is possible that the Admission Scheme for Mainland Talents and Professionals is being abused. Let me read out the number of approved applications: In 2008-2009, there were 6 552 cases but in 2011-2012, the number spiked to 8 332 cases. Chairman, the increase is stunning. In 2012-2013, over 50% of the people had been given approval to enter into Hong Kong — that is, some 3 600 people — received a salary of less than \$20,000 a month. What is most puzzling is that as many as 4 000 people employed by the "academic research and education" and "arts/culture" sectors were given approval to enter into Hong Kong. Is there a shortage of talents in these areas in Hong Kong? No. Whenever I pass by the Hong Kong Academy for Performing Arts (HKAPA), its students would complain to me, "Mr LEUNG, I cannot find any work." Is this because the graduates from the HKAPA are poorer in quality? The graduates of the HKAPA cannot find any work — I mean they cannot find jobs in education institutions rather than in the labour market at large — and even if they are hired, they have to accept non-substantive appointments, that is, contract terms that have to be renewed every year and their monthly salaries only amount to some \$10,000.

In addition, 4 000 people were given approval to come to Hong Kong and take up short-term jobs, that is, jobs with an employment period of less than 12 months. I really do not know what they can achieve here because it takes two months to adapt to life here and it takes two months to get ready before they return to their own countries, so only eight months are left. May I know what they can achieve?

In education companies involved in academic research, the pay for the great majority of employees is over \$20,000 a month because they have high academic qualifications, since they have passed government screening. In contrast, the pay for people working in the education and academic research sector is less than \$20,000 a month, so may I ask if this is reasonable?



If I am the one who make these comments, perhaps no one would believe me. Let us listen to what small and medium enterprises (SMEs) have to say. Many Members here say that SMEs are faring badly. The founding Chairman of the Hong Kong Small and Medium Enterprises Association (HKSMEA), SHEA Kai-chuen, said in November 2012 — this is really oven fresh — to the effect that "the great majority of companies hire Mainland employees through the Admission Scheme for Mainland Talents and Professionals and they can make the exaggerated claim to the Immigration Department that the applicants are well-versed in high technology. After these people have come to Hong Kong, no checking would be carried out on them."

Of course, I have never worked in any SME and my only major "concern" is to stand up and speak frequently. The chairman of the HKSMEA, SHEA Kai-chuen, is perhaps related to another person called "SHEA Kai .....". In view of their allegations, have the authorities taken any action?

Chairman, many people are abusing the Admission Scheme for Mainland Talents and Professionals and even pregnant Mainland women whose spouses are not Hong Kong permanent residents can come to Hong Kong through this scheme. The authorities have spent large sums of money on implementing the Admission Scheme for Mainland Talents and Professionals but what are its actual benefits to enterprises in Hong Kong? The application criteria under this scheme are not specified, nor is the screening process stringent, still less are the Mainland people working in Hong Kong monitored. The Government has given the green light to Mainland people to come to Hong Kong and frankly speaking, they can even go partying after coming here. What actually should be done?

Chairman, ever since the implementation of the Admission Scheme for Mainland Talents and Professionals in 2007, has the Government ever conducted any review? How effective is it? The doubts raised by me just now ..... the number of people given approval to enter Hong Kong under the Admission Scheme for Mainland Talents and Professionals has increased by 50% year on year but young people in Hong Kong cannot find work after graduation from universities. Why has such a major loophole arisen? Why have the authorities not safeguarded the employment opportunities of local young people?

Chairman, the Government, in implementing the Admission Scheme for Mainland Talents and Professionals, has not only created favourable conditions for pregnant Mainland women whose spouses are not Hong Kong permanent

residents to come here but has also created another problem. Since the approval criteria are too vague ..... the Chairman may be aware that not only can forged university certificates and work testimonials be used to deceive civil servants who have little knowledge of the Mainland, in the past, instances of people forging resumes on their own to deceive the Hong Kong Government, thus making it possible for them to make their way deep into the Government have also occurred and they were exposed only two years later. Concerning the certificates issued on the Mainland, the Hong Kong Government has not put in place any verification mechanism in conjunction with the relevant authorities on the Mainland, so it is possible for people to make any claims they like. Therefore, in respect of the scheme, I do not support approving the estimate required by the authorities, so as to prevent local university graduates or post-graduates from becoming unemployed.

Chairman, although I do not know the views of other Members, I believe that Admission Scheme for Mainland Talents and Professionals and the several other schemes mentioned by me just now have given rise to loopholes, so it is not possible to continue to implement them, rather, a comprehensive review should be conducted. Ir Dr LO asked the authorities to conduct a comprehensive review but do you think the authorities would comply? He said that it was necessary to make deep cuts but the authorities have not even paid him any attention.

Now, "Po Po" has returned to the Chamber, so I will stop speaking for the time being. Chairman, I wish very much to hear "Po Po" speak but you have not asked him to speak and he said that he would not be free tomorrow. In other words, what he said in 2011 did not count any more. In that case, just forget about them! In any event, this legislature just wants to muddle through. He chided other people in 2011 but now, he just sits in his seat.

Chairman, I will stop speaking now and it will not be necessary for you to say anything more.

**MR GARY FAN** (in Cantonese): On behalf of the Neo Democrats, I have proposed seven amendments to the Appropriation Bill 2013, and I will now speak on my seventh amendments. I hope that after my speech, the Chairman will

invite Secretary Paul CHAN to reply briefly, for the amendment seeks to reduce the expenditure on six months' emoluments for the Secretary for Development.

Chairman, the primary responsibility of the Development Bureau is to ensure a steady supply of land by means of effective land use planning, so as to meet the demand of Hong Kong people for public and private housing. But why had the imbalance persisted for such a long time in the past and why has the planning of the SAR Government of the present term been undesirable and imbalanced all along? On the one hand, there is a successive completion of luxury flats, yet these luxury flats are way beyond the affordability of Hong Kong people, and on the other hand, there is almost zero supply of practical medium-sized flats in the market which can address the demand of the general public. Moreover, the number of completed public rental housing (PRH) flats for the grassroots has fallen far short of the existing demand in the Waiting List.

Chairman, in my view, the Development Bureau has been making every effort to "expand land resources" on the ground of shortage of land supply, yet, it has used the "expanded land resources" to build luxury flats. The Government has made mistakes in land planning, and now it claims that there is a need to reclaim land and open up rock caverns to increase land supply, which will adversely affect the nature and the coastal line of Hong Kong. In fact, if we are to examine the planning direction, we must conduct practical, rational, objective and scientific studies to confirm whether Hong Kong really suffers from insufficient supply of land.

Chairman, I found that Hong Kong is not in shortage of land supply. The reality is that the Government has a sufficient supply of land ready to be used, but we notice that the Development Bureau has been going around in the community .....

(Mr LEUNG Kwok-hung stood up)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have a point of order. I request for a headcount according to Rule 17(3) of the Rules of Procedure.

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

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

**CHAIRMAN** (in Cantonese): Mr Gary FAN, please continue.

**MR GARY FAN** (in Cantonese): Chairman, just now, I said that by consolidating the official information from various government departments, it is found that the SAR Government has several thousand hectares of land on hand, yet it has not carried out any people-based planning, nor has it made good use of the land. According to the information of a civic organization, the Local Research Community, the several thousand hectares of land on hand can be classified into five major categories. The first category is the site of the former Kai Tak Airport, which has an area of 328 hectares, roughly equals to 19 Victoria Parks. The second category is short-term tenancy sites, which covers an area of 2 291 hectares, roughly equals to 135 Victoria Parks. The third category is military camp sites of an area of 488 hectares, which roughly equals to 29 Victoria Parks. The fourth category is sites reserved for residential use, covering an area of 391 hectares, which roughly equals to 23 Victoria Parks. The last one, the fifth category, is sites for village type development, which covers an area of 1 201 hectares, roughly equals to 70 Victoria Parks. Despite the availability of the large amount of land, the Government keeps saying that various methods have to be adopted to increase land supply.

Let us look at the last category of site — sites for village type development. According to the Basic Law and the Town Planning Ordinance, the SAR Government has no obligation to reserve land for indigenous villagers to build small houses, so the 1 201 hectares of land can be designated for general residential purpose, which would not infringe the inherent rights of indigenous

villagers under the framework of the Basic Law. In fact, the Government should review expeditiously whether the 1 201 hectares of land should still be restricted for low-density development. After that, the Town Planning Board (TPB) should decide on the use of the land concerned according to the procedures, so as to increase the land supply in Hong Kong for the construction of public housing, PRH in particular, to meet the housing need of many members of the public.

Chairman, since the Government has a vast reserve of land, why does it have to implement the integrated development plan in northeast New Territories? Under this plan, the Government will seize farmland from farmers of northeast New Territories, which they rely on for making a living. At the same time, the dredging of rock caverns and reclamation will impose irremediable damage to the nature. In my view, the indiscriminate "seizure of land" of the Development Bureau will not enhance the cost-effectiveness of the use of land resources in Hong Kong. On the contrary, it will put the Government in a hostile position to the people and arouse opposition from the public, thereby affecting the credibility of the Government and the acceptability of the policies formulated.

Chairman, the indiscriminate "seizure of land" is a reflection of the ineffectiveness of the Government's policies in land development and planning. The use of reclaimed sites for the development of private residential flats has spurred estate hegemony, where commercial interest is maximized through developing private housing estates into luxury flats for sale. Chairman, we would not have noticed the situation unless we review the usage of sites reclaimed in the past couple of years, and when we do, we will easily notice that sites reclaimed had rarely been used for the construction for Home Starter Loan Scheme flats or PRH flats. We may look at the map. Let us look at three relatively new reclaimed areas, namely, the West Kowloon, the southern part of Tseung Kwan O and Pak Shek Kok. We will notice that an overwhelming majority of the residential flats there are private flats, and most of these private flats are packaged as luxury flats for sale. At the southern part of Tseung Kwan O Town Centre, 13 sites had been applied for sale under the Application List system in the past year or two. Eventually, 12 out of the 13 sites had been used for the construction of private housing. With the repeated efforts made by the Neo Democrats and the Green Sense to strive for changes, the Government had set aside one of the above sites for the construction of Home Ownership Scheme flats.

Moreover, the Government is now conducting the second stage of consultation on enhancing land supply to examine the locations for reclamation and rock caverns. I think Members would have guessed that many locations are not intended to be used for residential purpose. For these reasons, the present statement made by the Government or the vision it keeps trying to convey — that Hong Kong people will benefit from the development of land for they will have their own home — is incorrect and untrue.

Furthermore, Chairman, I would like to talk about the remaining agricultural development in Hong Kong. Actually, it may be more appropriate for the Member representing the agriculture and fisheries functional constituency to discuss the issue. Perhaps because I am a new Member, my office has received many complaints and even pleads from members of the public who hope that the Government would give regard to their actual situation.

Let us look at the case of northeast New Territories. Ta Kwu Ling and Ping Che, the areas affected by the development plan, are the only remaining agricultural bases in Hong Kong, where there are over 70 farms of various scales. According to the information of the Census and Statistics Department in 2011, the GDP of the agricultural industry in Hong Kong was \$743 million per annum. The production of vegetables was 45 tonnes per day, accounting for 2.03% of the daily consumption of the territory; the number of live poultries was 10 300, accounting for over 50% or 57% of the daily consumption of the territory; and live pigs 255, accounting for only 7% of the daily consumption of the territory. Certainly, the quantity is far below than the imported goods, particularly when compared with the quantity of agricultural products imported from the Mainland, yet it is evident that the agricultural industry in Hong Kong has its contribution.

In recent years, with the encouragement of the Government, an increasing number of organic farms have come into operation. We may look at the case of Ma Shi Po Village in northern Fan Ling. To date, about 100 farmers still live there, and many of them are still earning a living through farming. Some farmers adopt certain sustainable methods to grow organic vegetables, and they will collect food waste in their village or community for composting and farming, producing some quality agricultural products which they will supply to the community.

However, Chairman, the northeast New Territories development plan implemented by the Secretary for Development will destroy the remaining

farmland of some 10 million sq ft in Hong Kong and affect several hundred local farmers. By then, Hong Kong has to rely solely on the food supply from the Mainland. Is this what we want? These farmers have been farming for several decades to support themselves. However, the implementation of the northeast New Territories development plan by the Government will lead to a forced eviction of the largest scale in the past 30 years.

These farmers whose homeland will be destroyed will be forced to move into PRH flats or take up some low-skilled and low-pay jobs in other districts. If that is the case, we cannot but query for whom is the northeast New Territories development plan implemented. Is the plan intended to improve the livelihood of farmers living there originally or is it intended to persecute them?

The Secretary has said that the northeast New Territories development plan is only a conventional new town, and he has repeatedly remarked that the development area has nothing to do with the opening of the frontier area. But obviously, this is neither the truth nor the whole truth.

Chairman, I would like to say that, it is definitely impossible for Hong Kong to isolate itself from the neighbouring regions in terms of economy, visitor flow and cargo flow at present. As the Chief Executive has said, Hong Kong cannot adopt the close-door policy, and we surely understand this point. However, the co-operations in economy, visitor flow and cargo flow should be built on the premise of achieving mutual benefits and upholding the system, local economy, values and culture of Hong Kong. We cannot keep our door wide open to the neglect of public sentiment and the capacity of Hong Kong, nor should we plan land development in Hong Kong from the perspective adopted by the Mainland. Why would there be comments saying that the northeast New Territories development plan is a plan to cede the land of Hong Kong and sell out Hong Kong? It is because the plan has infringed Hong Kong's autonomy in planning its land, which results in destroying the homes of many farmers for the real estate development investment.

Therefore, Chairman, today, through my proposed amendment, I want to convey a loud and clear message that we hope the Development Bureau and the Government will give think carefully about the northeast New Territories development plan. Chairman, I think that the amendment seeking to reduce the

emoluments for politically appointed officers in the Development Bureau (*The buzzer sounded*) ..... and expenses for Office of the Secretary for Development .....

**CHAIRMAN** (in Cantonese): Mr FAN, your speaking time is up.

**MR GARY FAN** (in Cantonese): ..... meets the expectation of the general public.

**DR KWOK KA-KI** (in Cantonese): Chairman, I will first speak on Head 21 — Chief Executive's Office and Head 144 — Constitutional and Mainland Affairs Bureau, that is, Amendment Nos 512 and 513.

As we all know, the present-term Government, including LEUNG Chun-ying and his team, once put forward a proposal before he took office that efforts would be made to enable Hong Kong's constitutional development to move towards universal suffrage. Not only did all Hong Kong people believe that LEUNG Chun-ying was committed to doing so, the proposal was also included in his manifesto. However, during our discussions on how to implement universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020 and when countless "concerned onlookers" made their voices heard in recent months, Chief Executive LEUNG Chun-ying, the Secretary for Constitutional and Mainland Affairs and his new aide, Under Secretary LAU Kong-wah, had all ducked under water without a trace.

Hence, some people considering themselves to be close to the Central Authorities, including Maria TAM, Elsie LEUNG and some Beijing officials, such as QIAO Xiaoyang, have continued to spread rumours and propose numerous restrictions, and views have been expressed on the interpretation of universal suffrage and Chief Executive candidates, requirements to be met by such candidates, their loyalty to the country and Hong Kong, and so on. However, the most important people involved in this matter, including the Chief Executive, who is being paid several millions of dollars, and the Secretary and Under Secretary of the Constitutional and Mainland Affairs Bureau, are nowhere to be seen.



At a television forum attended by me yesterday, Mr LAU Yui-siu, a political commentator, proposed to discuss this issue and made an appeal which made me very sad. He suggested that the pan-democrats in Hong Kong should discuss with people close to Beijing because this issue could actually be discussed. His appeal can hardly be refused because, theoretically, the SAR Government should actually fulfil its greatest constitutional duty to consult the public. We thought that the Chief Executive would unveil in this year's Policy Address how to roll forward universal suffrage in 2017 and 2020, he said that he saw no need and had no intention to do so this year. How thick-skinned is he!

I do not wish to quote other people and criticize him for being thick-skinned and shameless. In fact, many people were rendered speechless after hearing his comment. Every speech he made before taking office was so attractive, but when he had to demonstrate his real talent in his first policy address, he said that there was nothing he could do and he had no intention to do anything, either. Insofar as the present situation is concerned, neither the Secretary nor the Under Secretary of the Constitutional and Mainland Affairs Bureau has done what they are supposed to do. It is probably because LEUNG Chun-ying is the leader of the "diving team", and so the team members can only follow him. What will happen if the situation remains unchanged? Members should have heard that some conscientious people in the community, including a scholar named Benny TAI, Reverend CHU Yiu-ming and Dr CHAN Kin-man, say that having waited for so many years, the SAR Government should be solemnly requested to deliver its homework to show how genuine universal suffrage can be achieved in 2017 to manifest the rights conferred by the International Covenant on Civil and Political Rights of the United Nations and honour the pledges made in the Sino-British Joint Declaration and the Basic Law.

Unfortunately, despite their strident campaigning, no one listens to them. Given that there is no viable alternative, they can only warn the Government that if the performance of the Chief Executive or relevant Director of Bureau is still so poor next year, the community will have no alternative but to take action to occupy Central. Members should know that Occupy Central is their last and reluctant resort. As the saying goes, let the one who tie the bell on the tiger take it off. This matter should originally be dealt with by the Constitutional and Mainland Affairs Bureau and the Chief Executive from now until the universal suffrage proposal is put into implementation. Every day, they should at least show the public that they are determined to accomplish this trivial matter.

Unfortunately, things have not turned out as we wished. Under such circumstances, how can we judge or convince the public that the Chief Executive, the Secretary and the Under Secretary of the Constitutional and Mainland Affairs Bureau have fulfilled their duties, thereby making the public willing to see the Budget being endorsed this year? Sometimes, this is really difficult to achieve.

Chairman, regarding the controversial decision you made today, many people, including Members of this Council, will raise questions. In fact, there should originally be no problems with the exercise of powers by the President to invoke "cloture" to cut off a filibuster. Many political commentators and scholars have also pointed out that similar practices can be found in many overseas countries, such as the United States and the United Kingdom. However, we should bear in mind that Hong Kong's current political system and the Legislative Council are distorted. We have functional constituencies which have been in existence for tens of thousands of years without extensive public support as well as the most regrettable separate voting system. Are they not precisely impeding Hong Kong's constitutional development?

Chairman, if we have a legislature composed entirely of elected Members today, I believe you can easily seek a consensus agreeable to all Members under the Rules of Procedure (RoP). When the consensus of all Members has been obtained and when universal suffrage has been put into implementation, the President of the legislative Council will only need to exercise on behalf of Members the powers conferred by the Legislative Council under the RoP, then there should be no dispute and regret today. Chairman, being an elected Member who has gone through the baptism of universal suffrage, you would definitely understand that when a Member is given the chance and is capable of carrying clear mandate from voters regarding each and every policy direction, he or she can naturally speak more loudly and act with greater confidence.

Originally, we could have requested for a clear explanation of this distorted political system, and it is in line with the requirements of the Basic Law and the Sino-British Joint Declaration to do so, but judging from the performance of the Chief Executive and the Secretary and Under Secretary of the Constitutional and Mainland Affairs Bureau so far, I think it is actually impossible to do so. Faced with the public's ensuing widespread outcry, we cannot make an excuse and say that they have incomplete information or are ignorant. Neither can we shirk the responsibility entirely onto them. Although the Government is obligated to restore to order this distorted political system and the Legislative Council and

Chief Executive elections and only if it is capable of doing so, it prefers to give up this important constitutional responsibility and power. We deeply regret and take issue with it.

Chairman, as this is a joint debate, I would like to take this opportunity to discuss head 147, that is, Amendment Nos 518 and 519 in relation to the expenditure for the Financial Services and the Treasury Bureau. The Financial Secretary and his team, the Financial Services and the Treasury Bureau in particular, should demonstrate to the public a visionary change of direction pointing to the future regarding the formulation of all important policies in Hong Kong, including revenue and expenditure programmes, as well as making contribution that can ensure smoother governance. However, this team, comprising the Financial Secretary and the Director of Bureau under him, has scored only zero mark for its performance over the years.

Let us refer to the figures that have been wrongly projected. In 2012-2013, an erroneous projection of close to \$70 billion was recorded, with the originally estimated deficit of \$3.4 billion turned into a \$64.8 billion surplus. In 2011-2012, another erroneous projection of \$70 billion was recorded, with the estimated surplus of \$3.9 billion eventually turned into a surplus of \$73.7 billion. In 2010-2011, a projected deficit of \$25.2 billion turned into a surplus of \$75.1 billion, and the difference between the two stood at \$100 billion. In 2009-2010, the estimated deficit of \$39 billion turned into a surplus of \$25.9 billion, and the difference between the two exceeded \$60 billion. The matter appears to be just a wrong projection. Should the Financial Secretary not be thanked for turning an originally projected deficit into a surplus? Of course, we should not think in this way, because we all know that the Government is making use of these numerical games to ensure that some important and long-term policies cannot be implemented in Hong Kong.

Similarly, we are outraged by this year's Budget. Despite the surplus of \$60-odd billion recorded by the Government, only \$73 million has been earmarked for the provision of an additional 600 subvented residential places, despite the fact that 28 794 people in total are waiting separately for residential places in care and attention homes, nursing homes and residential care homes for the elderly. The provision of these 600 subvented residential places by the Government as an act of benevolence means a waiting period of nearly 50 years. They are definitely not for elderly persons who are currently on the waiting list, because all the qualified elderly applicants are now over the age of 65, and many

of them are chronically ill. I am sure they would have already passed away when these places are made available. We really feel ashamed because these extremely ridiculous policies were put forward by the Financial Secretary and the Financial Services and the Treasury Bureau.

The Government has again allocated \$164 million to increase the subvention for 7 000 residential care places with continuum of care by just 10% and upgrade 7 850 ordinary residential care places to places with continuum of care. However, figures reveal that more than 20 000 people are waiting for these places. Is the Government short of money? Of course not. Despite having a fiscal reserve of more than \$2,000 billion plus a huge surplus accumulated in the Exchange Fund, the Government has invariably been playing these numerical games to avoid implementing some of the most important long-term policies. However, these policies are most capable of helping people whose needs to make their voices heard are ignored and who are at the lowest stratum of society, with the least bargaining power and in the most hidden corners. The Government actually owes these people. It is also doing a disservice to them because it is playing these numerical games all the time to evade implementing the most desirable policies.

We deeply regret that we do not have a chance to discuss all the amendments proposed by Members. Furthermore, it is really distressing to see how the Government responds to the requests made by the public and Members staging the filibuster. Instead of reviewing these erroneous policies, the authorities seek to create a weak image for the Government by way of trick playing, supported by publicity. In fact, it is the SAR Government which is the most ferocious, competent, and disappointing. I so submit. Thank you, Chairman.

## **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): I now suspend the Council until 9 am tomorrow.

*Suspended accordingly at two minutes past Ten o'clock.*