

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 5 June 2013

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

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.

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

MEMBER ABSENT:

DR THE HONOURABLE KWOK KA-KI

PUBLIC OFFICERS ATTENDING:

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

MS FLORENCE HUI HIU-FAI, S.B.S., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE GREGORY SO KAM-LEUNG, G.B.S., J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE EDDIE NG HAK-KIM, S.B.S., J.P.
SECRETARY FOR EDUCATION

CLERKS IN ATTENDANCE:

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

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Report No. 18/12-13 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Problems of Youngsters' Addiction to Violent Electronic Games

1. **MR MARTIN LIAO** (in Cantonese): *It has been reported that the suspects of several family homicide cases, which happened recently, are youngsters addicted to playing online violent electronic games (online games) at home. In addition, there have been reported incidents from time to time in which youngsters, who had been addicted to online games, quarrelled with their parents or even beat their parents who had tried to stop them from playing online games. Given that such incidents of family tragedies and family violence have aroused public concern about the impact of violent electronic games on youngsters' mental development, will the Government inform this Council:*

- (a) *whether it has conducted any focus studies on the correlation between violent electronic games and crimes of violence; if it has, of the details, and whether the results of such studies have shown a positive correlation between these two factors; if not, whether it will consider conducting such studies; whether it has compiled statistics on cases of youngsters who had suffered mental disorder as a result of addiction to such games in the past five years; if so, of such statistics; if not, whether it will compile such statistics;*
- (b) *whether it has drawn up policies and measures to help youngsters addicted to violent electronic games; if so, of the details; if not, the reasons for that; of the government bodies and community*

organizations in Hong Kong which currently provide psychological counselling and assistance to such youngsters; and

- (c) *given that some psychologists have pointed out that "home-staying men" who are addicted to online games often lack communication skills and have difficulties in making friends, resulting in the development of radical personality, whether the Government will consider enhancing contents such as self-understanding and social skills in the secondary school curriculum, and providing specialized counselling and support services for youngsters addicted to online games and surfing the Internet, so as to instil in them correct values and help them establish good interpersonal relationship?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): The problems of Internet and violent electronic games addiction among young people involve different policy areas under various government bureaux. Having consolidated the information from the bureaux concerned, our reply to Mr Martin LIAO's question is as follows:

- (a) The Administration has not conducted any focus studies on the correlation between violent electronic games and violent crimes or compiled any statistics on cases of young people who had mental health problems as a result of addiction to such games in the past five years. In fact, violent crimes and adolescent mental health are very complex issues involving a number of factors such as social environment, academic pressure, family and emotional problems, and so on. It is thus difficult to assess whether violent crimes and adolescent mental health are directly related to the addiction of violent electronic games and the degree of its impact.
- (b) The Social Welfare Department (SWD) has been providing young people and their parents with socialization programmes and holistic supportive services through 138 integrated children and youth services centres across the territory, 65 integrated family service centres and two integrated services centres in Tung Chung. Services include prevention of Internet and electronic games addiction among young people, parent support programmes as well

as counselling. At the same time, the SWD has been implementing the "one school social worker for each secondary school" scheme in all secondary schools over the territory to focus on supporting the majority of young people who are still at school.

Besides, the SWD has commissioned three non-governmental organizations (NGOs) to each launch a three-year pilot cyber youth outreaching project (pilot project) since August 2011. The pilot projects use various cyber means to reach out to young people in need, including those at-risk and hidden youth, and provide them with timely intervention and supportive services on their Internet related at-risk behaviour.

On the other hand, the Office of the Government Chief Information Officer launched the five-year "i Learn at home" Internet Learning Support Programme (the Programme) in July 2011 to help students from low-income families undertake web-based learning at home. Apart from assisting low-income families to acquire affordable computers and Internet access services, the Programme also provides these families with user and social support, including training on the safe and proper use of the Internet. The implementing organizations are required to set up hotlines to provide counselling services to help students and their parents deal with online behavioural problems including Internet addiction. Referral to social workers will be arranged where necessary.

The Office for Film, Newspaper and Article Administration (OFNAA) has also been educating children and young people on the importance of healthy information and enhancing their ability to resist the influence of objectionable materials through various publicity and public education programmes. The OFNAA will continue with its efforts, including alerting young people to the adverse impact of violent electronic games.

Apart from the relevant government departments, a number of NGOs are also providing services, including counselling and various forms of assistance, for young people with different needs.

- (c) According to the Education Bureau, great importance has been attached to whole-person development in the school curriculum with a view to nurturing students' knowledge, skills as well as values and attitudes. The school curriculum, as a whole, covers learning contents that aim to enhance students' self-understanding, interpersonal relationships and communication skills in various Key Learning Areas/subjects and related learning experiences at both the primary and secondary levels. Under the "Life and Society" curriculum at the junior secondary level, students learn "How to establish self-confidence to face difficulties and failure", "Strategies for dealing with pressure and anxiety" and "The importance of communication among family members". In "Liberal Studies" at the senior secondary level, students explore developmental challenges and analyse current trends which may pose challenges and opportunities to young people. Many schools are also actively making use of different learning opportunities to organize seminars and sharing of current affairs to increase students' understanding of how information technology relates to, and impacts on, personal growth. Learning activities, such as project learning, simulated activities and community service, are also organized to enhance student's self-understanding, communication and social skills.

The Education Bureau will continue to provide schools with timely and appropriate curriculum support. Apart from providing teaching materials and online resources to enhance the effectiveness of learning and teaching, we will continue to organize professional development programmes on related topics, such as "How to identify and help students suffering from Internet addiction", "Exploring the effects of youths' digital media habits on their studies and family relationships" and "Abstaining from gambling and preventing Internet addiction". These will help enhance teachers' knowledge of, and skills in, fostering students' personal development, communication skills and positive values in this era of rapidly changing information technology.

MR MARTIN LIAO (in Cantonese): *President, I think it is unreasonable that an assessment is not made on the ground that it is difficult to make an assessment of the problem, thereby resulting in further worsening of the problem. Precisely*

because of the occurrence of several family homicide cases recently, we have to find out what has gone wrong, identify the suitable counter-measures and provide appropriate assistance.

In January this year, the United States President Barack OBAMA signed a memorandum for allocating US\$10 million to fund research on the correlation between violent electronic games and crimes of violence. Let me quote the remarks of President OBAMA as follows: "We don't benefit from ignorance. We don't benefit from not knowing the science of this epidemic of violence.", "Congress should fund research into the effects that violent video games have on young minds." (End of quote) May I ask the Secretary his views on the above statement and whether he will consider afresh conducting the studies and assessment?

PRESIDENT (in Cantonese): Which Secretary will answer this question? Secretary for Labour and Welfare, please answer.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr LIAO for his concern. I said in my main reply that the Administration has not conducted any focus studies. But it does not mean that we do not attach importance to this issue. In fact, we are very much concerned about this issue and have dealt with it from different angles.

As we all know, the question as to whether acts of violence are really related to violent electronic games is not a simple question because other factors such as family reasons, personal behavioural problems or academic stress might be at work. Therefore, we think that the pragmatic approach is to tackle the problem at source including the identification of hidden youth. For example, the online outreach services via the Internet have been implemented for more than a year. Three NGOs have tried to communicate with these young people direct and provide outreach services by entering some keywords on the Internet to search for them and keep track of them.

Regarding education, I have indicated in the main reply that the authorities will adopt a multi-pronged approach to deal with the problem by strengthening

school education, enhancing students' self-understanding, and particularly social values. So, this problem is definitely not taken lightly.

DR CHIANG LAI-WAN (in Cantonese): *President, I agree with what the Secretary said just now, that the youth problem is due to more than one single factor. I also agree that the problem should be tackled at source. However, Secretary, where is the source of the problem?*

I often feel that another problem will possibly begin to surface after a problem has been raised and solved. Will the Secretary consider how much money is invested on education every year? Does he know that nowadays parents find it very difficult to teach their children? In particular, during the past few decades since the last century, our society has changed dramatically due to the development of information technology

PRESIDENT (in Cantonese): Dr CHIANG, please ask your supplementary question.

DR CHIANG LAI-WAN (in Cantonese): *..... apart from putting a lot of money into education, will the Government consider allocating part of the funding to providing assistance to parents as educating their children has become a new discipline?*

PRESIDENT (in Cantonese): Which Secretary will answer this question? Secretary for Labour and Welfare, please.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Regarding the question raised by Dr CHIANG, we fully agree that support for parent education should be strengthened. To my understanding, parent-teacher associations are set up at the school level and generally good parent-teacher co-operation can be achieved, which is further promoted by a series of activities. Besides, we think social trends are also vital. Hence, we have made efforts in

several aspects, including the setting up of the Family Council, in the hope of promoting the family as the core value of society and disseminating this message.

As Dr CHIANG said just now, we hope that more support can be provided to parents and support in practical terms can be offered at the education level. Hence, in dealing with youth problems or family problems, we now hope that efforts can be made at the prevention level as prevention is better than cure so that problems can be tackled at source and from the perspective of personal development, not only at the remedy or treatment level.

MR MA FUNG-KWOK (in Cantonese): *I feel that schools should not play a passive role of sitting and waiting for the students who have become addicted to online games to seek assistance on their own initiative as students with such problem usually do not know that they have one. May I ask whether it is possible for the authorities to conduct a more comprehensive survey on the number of hours typically spent by students on online games or surfing the Internet and whether this has led to conflicts or quarrels with their parents through the schools which have frequent contact with the students and school social workers so that a clear understanding of the problem can be gained and corresponding planning made?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Thanks to Mr MA for his suggestion and question. I will convey this to the Secretary for Education. However, I would like to add one point. The manpower for the existing scheme of "one school social worker for each secondary school" has increased over the past two years so that there are more than one social worker in each school. I believe Members may recall that when the anti-drug campaign on campus was implemented in 2011, the Government increased the manpower of social workers in all secondary schools. At present, the number of social workers has increased by 96, meaning that there are more than one social worker in each school to provide support. Nevertheless, Mr MA's suggestion is very good and I will convey it to the Secretary for Education in the hope that he will deal with it expeditiously.

MR CHARLES PETER MOK (in Cantonese): *President, we should not assume that online electronic games will lead to social problems and violence because in the past, a lot of television shows and rock music had been accused of causing such problems. However, young people in need should be offered assistance regardless of whether they are on or off the campus.*

So, my supplementary question is similar to that raised by Dr CHIANG Lai-wan just now because I think parents play a very important role in this regard. In many cases, as young people play online games and surf the Internet at home rather than at school, it is very important for parents to know how to educate or control their children in spending their time on the Internet in order to prevent their children from becoming addicted to it. I really wish to know what further plans the Government has in this regard. What plans do the authorities have specifically that are aimed at providing education to parents, thus enabling them to understand new technologies, new online culture and even various types of online games so that they can learn in what effective ways they can communicate with their children and help their children? At present, many parents may only know barring their children from using the computer. But we all know that this will not work.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, perhaps let me give a brief explanation before deferring to Secretary SO because the Office of the Government Chief Information Officer under Secretary SO is making some efforts in this regard.

I would like to make a brief explanation. At the SWD level, in both the integrated family service centres and integrated children and youth services centres (ICYSCs), their target clients are not limited to teenagers. Even in the ICYSCs, parents are also their target clients, whom are reached through the organization of relevant activities such as how to use information technology and the computer.

Perhaps Secretary SO may provide further information on the specific work being undertaken.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I very much agree with the view of Mr Charles Peter MOK that the causes of youth violence or Internet addiction are actually very complex. In

many cases, the lack of family harmony, unpleasant social life, academic stress and the lack of social support will lead to these problems. Thus, the problems cannot simply be attributed to online or computer games. However, in this regard, Dr CHIANG Lai-wan's views are correct. We need to address the problem from various aspects, including education, parents and teachers.

To help promote good Internet culture among the young people and to teach them the day-to-day positive online behaviour, we have earmarked \$63 million for the launch of a one-off territory-wide Internet education programme entitled "Be NetWise" in one-go from September 2009 to November 2010 which aims at promoting knowledge, awareness and technology in the proper and safe use of the Internet among young people, parents and teachers. This is a relatively diversified activity, including teaching them how to use the Internet properly.

In this regard, we have in fact carried out many large-scale publicity and education activities, and a lot of materials in this area can be re-used. We have reviewed the effectiveness of the activity and found that generally the awareness of young people and parents has been greatly enhanced. We will continue to follow it up.

In addition, regarding the Internet Learning Support Programme, we will also provide support to web-based learning if necessary, and cases will be referred to social workers for follow-up.

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

MR CHARLES PETER MOK (in Cantonese): *As the programme "Be NetWise" has been concluded, why is it not continued if it is really so effective?*

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, as I said earlier, some materials produced for the implementation of "Be NetWise" can be re-used. Regarding such a large-scale

promotional activity, we have reviewed its effectiveness and found that awareness in this aspect has been greatly enhanced.

MR CHAN HAN-PAN (in Cantonese): *President, among those "home-staying men" or "herbivorous men" whom I know, many of them possess tertiary education qualifications but cannot find any satisfactory job. Feeling that their future is dim, they focus on online games and develop the habit over time. Although they have received higher education, they cannot find a way out and become frustrated. Thus, some of them have even become "home-staying men".*

The counselling service mentioned by the Secretary just now is certainly important, but opportunities for them are the fundamental issue. How young people can get more opportunities of career development in the employment market is not a simple issue. May I ask whether the Government will set up a dedicated department responsible for planning and implementing measures on providing more opportunities to young people?

PRESIDENT (in Cantonese): Mr CHAN, your supplementary question bears no direct relevance to the main question.

MR CHAN HAN-PAN (in Cantonese): *President, this is a fundamental problem. The reason why some people become "home-staying men" and play online games every day precisely is that they cannot find any way out. So, I hope that the Secretary will answer whether a special department for dealing with this issue will be set up.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, thanks to Mr CHAN for his concern. We are also very much concerned about this problem, especially the so-called hidden youth. As I said earlier, the pilot project has been implemented for more than a year with the objective of targeting at-risk behaviour and various needs of the youths. For instance, the organizations concerned will identify the youths who feel disappointed, frustrated and desperate due to employment problems through the Internet for the provision of outreach services in the hope that they will be "prompted" and come forth. Once they have been "prompted", we can provide employment services to them.

Apart from the aforesaid methods, we have also other measures such as Overnight Outreaching Teams for Young Night Drifters and District Youth Outreaching Social Work Teams serving the same purpose. We wish to enhance these services. In particular, we hope that the pilot project, subject to a comprehensive review next year after three years into implementation, will be launched on a full scale if it is effective so that services in this area can be enhanced.

MR MICHAEL TIEN (in Cantonese): *President, it can be said that no consensus can be forged on whether there is any correlation between online games and violent behaviour. But I only know that "we don't know what we don't know, so why don't we find out?" I absolutely agree with Mr Martin LIAO that we should conduct a study to find it out since we have no knowledge in this aspect. My supplementary question is as follows. As the saying goes, "Reward lies ahead of diligence; but nothing is gained by indolence." Over-addiction to online games is certainly not a good thing. To my understanding, many young people also want to quit Internet addiction. So do their parents. But they cannot do it. Given that organizations offering drug addiction hotline and gambling helpline services will provide assistance to those in need, has the Government considered setting up an organization offering a hotline service to give advice on how to quit the habit of playing online games? If not, why not?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): *President, the SWD has in place a hotline at 2343 2255 to help tackle many problems, including domestic violence, financial difficulty and even youth problems. The Hong Kong Federation of Youth Groups also provides a hotline service, which has been widely publicized on the Internet. The youths are fully aware of how to make contact with the organization via mobile phone and email. In fact, many youth groups are using these methods to communicate with young people.*

As for Mr TIEN's suggestion, the main question is about the reason why we did not conduct focus studies on this issue; and Mr LIAO's question is about whether a study on the correlation between violent online games and crimes of violence can be conducted. However, we find it difficult to blame any single factor. Instead, a number of factors are at work, such as academic stress, family

problems and social environment. So, as I mentioned in the main reply, we will deal with the issue at source in a holistic manner. This does not mean that we do not attach importance to this issue. We do attach great importance to it.

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

MR MICHAEL TIEN (in Cantonese): *The Secretary said that a hotline service has been provided. But what I meant is: In relation to drug addiction and gambling hotline services, will this hotline service provide guidance on kicking the habit of playing online games?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I meant there is no hotline service specializing in providing support to help people kick the habit of playing online games. However, I would like to emphasize that if young people need help or want to get some advice in this regard, the hotline services of the SWD and many youth service organizations can provide assistance to them.

MR NG LEUNG-SING (in Cantonese): *President, may I ask the Government whether it has considered the approach of fighting fire with fire? Given that young people like to seek excitement on the Internet, can the Government consider producing a publicity clip or online game about how to prevent the harmful effects caused by online games in order to guide young people back onto the right track?*

PRESIDENT (in Cantonese): Which Secretary will answer this question? Secretary for Commerce and Economic Development, please.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, if the items are related to violence, control has already been put in place because we have enacted the Control of Obscene and Indecent

Articles Ordinance with the objective of regulating obscene and indecent articles. But the problem of Internet addiction is not covered. In the case of Internet addiction, as Secretary CHEUNG explained just now, hotline services are available for providing support. In addition, under the Internet Learning Support Programme, hotline support services are also available. Support can be provided for cases involving Internet addiction.

PRESIDENT (in Cantonese): Second question.

Operation of Executive Council

2. **MR JAMES TIEN** (in Cantonese): *President, quite a number of members of the public have relayed to me that in terms of functions, roles and status, the present Executive Council is nothing like the then Executive Council before the introduction of the "Accountability System for Principal Officials" in 2002 and the Executive Council during the governance of the British Hong Kong Government. There are also members of the public raising queries about the current operation of the Executive Council, for example, a regular meeting has been cancelled recently because of no agenda item, a Non-official Member has been granted leave of absence for over half a year, and another Non-official Member has resigned on the ground that he is "under police investigation". In this connection, will the Government inform this Council:*

- (a) *whether it has assessed if the aforesaid situations of the Executive Council have arisen because selection of Executive Council Members is not prudent enough or the support for the Executive Council is not comprehensive; if it has, of the details; if not, the reasons for that;*
- (b) *whether it has assessed if the existing functions, roles and status of the Executive Council have deviated from the requirements under the Basic Law (in particular Articles 54 to 56), and how such aspects compare with those of the then Executive Council before the introduction of the Accountability System for Principal Officials and the Executive Council during the governance of the British Hong Kong Government; and*

- (c) *whether currently there are arrangements for policies to be first discussed at an informal meeting comprising several Executive Council Members before their submission to the Executive Council for discussion and decision; if there are such arrangements, of the membership of that informal meeting; and the average number of hours of Executive Council meeting per week since the inauguration of the incumbent Government?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, my reply to the three parts of the question is as follows:

- (a) Under the Basic Law, Members of the Executive Council of the Hong Kong Special Administrative Region (HKSAR) shall be appointed by the Chief Executive from among the Principal Officials of the executive authorities, members of the Legislative Council and public figures. They shall be Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country. When making appointments to the Executive Council, the Chief Executive strictly adhered to the requirements of the Basic Law. The appointments were made on the basis of the merit of individuals concerned, taking into account a candidate's ability, expertise, integrity, and participation in and commitment to public service. Since the establishment of the current term of the Government, the Executive Council has been properly performing its function to assist the Chief Executive in policymaking and the performance of its function will not be affected by individual cases. The Executive Council Secretariat has also been providing effective support to the Executive Council and all of its Members.
- (b) The role, composition and functions of the Executive Council are clearly stipulated in the Basic Law. Since the political structure of Hong Kong has been evolving before and after the establishment of the HKSAR and the implementation of the political accountability system, it would not be appropriate to compare the Executive Council of different times. As remarked by the Chief Executive earlier on, he had been a Member and the Convener of the Executive Council for 15 years before he assumed the post of the Chief

Executive. Generally speaking, the participation of Non-official Members of the current term of the Executive Council in the formulation and discussion of government policies has taken place earlier and in a more in-depth and more specific manner. For the current term of the Executive Council, there have been more meetings and length of meetings has been generally longer than before. Every Member is dedicated to contributing their knowledge and experience when tendering advice to the Chief Executive.

- (c) Before submitting policies to the Executive Council for discussion and decision, at the Non-official Members' request, government Bureaux will hold briefings for the Non-official Members on different policy areas or individual issues so as to introduce the background of the policies, provide relevant information and listen to their views. All Non-official Members may attend these briefings.

As I said just now, the length of meetings of the Executive Council of the current term has been generally longer than before, and would last till lunch time or even afternoon from time to time. From July 2012 to 21 May 2013, the Executive Council held 40 meetings. Different from the past, the recess period of the current term of the Executive Council has been shortened and the frequency of meetings increased. While the duration of each meeting varies, the meeting time is generally longer than that in the past.

MR JAMES TIEN (in Cantonese): *President, the Chief Secretary pointed out in part (c) of the main reply that Policy Bureaux would hold briefings and Principal Officials would invite Non-official Members to attend them. Part (c) of my main question asks her whether or not, before policies are decided, the Chief Executive would hold informal meetings frequently with several Executive Council Members but discuss with other Executive Council Members only at formal meetings. Are there any such instances?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): As the Chief Executive said, after the establishment of the Government of the current

term, the Chief Executive, and I as the Chief Secretary for Administration for that matter, would both take various opportunities, sometimes while having meals and sometimes using our private time, to exchange views with Non-official Members on subjects of concern to them. However, this is not part of the process of the discussion on specific issues by the Executive Council.

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

MR JAMES TIEN (in Cantonese): *No. My supplementary question is: Would the Chief Executive have discussions with some Executive Council Members but not others?*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I believe the Chief Executive treats all Members appointed by him to the Executive Council equally.

MR FRANKIE YICK (in Cantonese): *Part (a) of Mr James TIEN's main question actually asks if the selection of Executive Council Members is not prudent enough. The Chief Secretary said in her reply that those were individual cases and that the Government would not be affected by them.*

To us people involved in management and construction projects, often, when a series of individual cases has happened, we would ask if systemic problems have arisen. May I ask the Chief Secretary about her views in this regard?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I said in the main reply that with the participation of Non-official Members, the Executive Council has been properly performing its function of assisting the Chief Executive in policymaking as stipulated by the Basic Law. Therefore, I do not

agree that systemic problems have arisen. The cases that occurred were only individual cases.

MR CHUNG KWOK-PAN (in Cantonese): *The Secretary said in the last part of her main reply that the frequency of meetings and length of meetings of the Executive Council of the current term have increased compared with the past and that the recess period of the current term of the Executive Council has been shortened, so all this is proof that the Government probably has many items that need to be examined and discussed. This being so, why was it suddenly announced on one occasion a fortnight ago that an Executive Council meeting had to be cancelled because there was no agenda item?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I thank Mr CHUNG for giving me a chance to explain this again. That the Executive Council did not convene any meeting on a non-statutory holiday does not mean that there was no agenda item for the Executive Council. In fact, when various Policy Bureaux work very hard to prepare an agenda for Executive Council meetings, sometimes, a situation in which some agenda items are submitted to the Executive Council earlier than scheduled while others are slightly delayed for some other reasons would arise. Therefore, there is actually some difficulty in filling up the agenda of the Executive Council within a short time.

However, generally speaking, after the establishment of the current-term Government, as I pointed out in the main reply, the frequency of Executive Council meetings has increased and quite a lot of items have been discussed.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Chief Secretary said in part (a) of the main reply that "Since the establishment of the current term of the Government, the Executive Council has been properly performing its function to assist the Chief Executive in policymaking and the performance of its function will not be affected by individual cases.". Chief Secretary, I really do not understand why the Government can remain unaffected. At present, there are two Members less and all Executive Council Members want to offer advice to the Chief Executive and assist him in policy formulation. If it is said that there is no impact, does it mean that those two Members are redundant? If they are, why have they all along remained in office, thus wasting taxpayers' money?*

Therefore, may I ask the Chief Secretary how the assessment that having two Executive Council Members less has no effect on the Government was made? What indicators has the Government adopted in examining this matter? If there is no effect, is it unnecessary to have so many Executive Council Members in the future? Will the need for each Executive Council Member be assessed again? If some other Executive Council Members leave office in the future and the Government says again that there is no impact, it means all Executive Council Members are redundant.

PRESIDENT (in Cantonese): Mr LEUNG, if you have asked your supplementary question, please sit down and let the Chief Secretary reply to it.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): There is no statutory requirement on the number of Non-official Executive Council Members. After the establishment of the current-term Government, the number of Non-official Members appointed by the Chief Executive is larger than before and they include elites from various sectors of society as well as several Legislative Council Members. Therefore, although an Executive Council Member has resigned and another has taken leave of absence, generally speaking, the Executive Council is still performing its function of assisting the Chief Executive in policymaking.

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

MR LEUNG YIU-CHUNG (in Cantonese): *The Secretary did not give me a reply*

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

MR LEUNG YIU-CHUNG (in Cantonese): *I am asking her what criteria were adopted by her in deciding that having two Executive Council Members less does*

not have any effect on the Government. How actually did she assess this and how many Members are considered sufficient?

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): The power to appoint and remove Executive Council Members rests with the Chief Executive, so please excuse me for not being able to explain on behalf of the Chief Executive what composition of the Executive Council and what the most preferable number of Executive Council Members is. I think Mr LEUNG also understands that there are both Official and Non-official Members in the Executive Council and they all voice their views on the items submitted to the Executive Council for discussion and policymaking. The Executive Council follows the collective responsibility system and after making decisions, we will give an account and make announcements to the public on issues on which decisions have been made.

MR LEUNG YIU-CHUNG (in Cantonese): *It seems the Chief Secretary has misunderstood my follow-up question. What I am asking her is: Based on what criteria was the assessment that the Government had not been affected made? She did not reply to this.*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I have said that I do not consider it necessary to have any criteria in assessing the performance of individual Executive Council Members.

MR WONG YUK-MAN (in Cantonese): *I have described the Executive Council as "dog droppings and rubbish" and "a bunch of lowly people" before and this is not the first time I am saying this. Now, even Mr James TIEN has asked this oral question, so it is evident to what extent this Government has fallen apart.*

PRESIDENT (in Cantonese): Mr WONG, please ask your supplementary question.

MR WONG YUK-MAN (in Cantonese): *I find part of the Chief Secretary's main reply very detestable and it is a lie. She says, "..... strictly adhered to the requirements of the Basic Law. The appointments were made on the basis of the merit of individuals concerned, taking into account a candidate's ability, expertise, integrity, and participation in and commitment to public service." Barry CHEUNG, Franklin LAM and CHEUNG Chi-kong are all a bunch of lowly people. What professional abilities do they have?*

PRESIDENT (in Cantonese): Mr WONG, please ask your supplementary question.

MR WONG YUK-MAN (in Cantonese): *My supplementary question is: Why not sweep all those people away? President, please ask her this question for me.*

PRESIDENT (in Cantonese): Mr WONG, if you have asked your supplementary question, please sit down.

MR WONG YUK-MAN (in Cantonese): *Why not sweep all those people away, so that the Government can preserve a better image?*

PRESIDENT (in Cantonese): Mr WONG, if you have asked your supplementary question, please sit down.

MR WONG YUK-MAN (in Cantonese): *President, you ask her to urge the Government to sweep those people away.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Two of the three people mentioned by Mr WONG Yuk-man are now under investigation, so excuse me for not making any comments here.

As regards Mr WONG's view on the other Executive Council Member, he also asked me questions in this regard some time ago but I do not consider it proper to comment on individuals who offer advice to the Chief Executive in policymaking.

MR RONNY TONG (in Cantonese): *President, the Chief Secretary said that not holding any meeting does not mean that there are no items for discussion but in the same vein, I think that holding a number of meetings or doing so until late may not necessarily yield any conclusion. May I ask the Chief Secretary if there is any plan to enhance the transparency of the operation of the Executive Council, so that Hong Kong people and the legislature can know clearly if the Executive Council can draw any conclusion from its formal discussion on various issues?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Mr TONG also knows that there are two major principles relating to the Executive Council, one being the system of collective responsibility and the other being confidentiality. I have been an Executive Council Member in two terms of government. I believe that in order for the Executive Council to operate effectively, confidentiality is very important because it can enable advisers or think tanks that offer advice to the Chief Executive to do so in a pressure-free setting, so as to assist him in policymaking. However, we also understand that society has some expectations on Executive Council Members. For this reason, in recent years, in terms of transparency, we have published some information, including that on the personal interests declared by Executive Council Members and the existing system of declaration, on the Internet.

MR RONNY TONG (in Cantonese): *I am not demanding that the system of confidentiality be relinquished*

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

MR RONNY TONG (in Cantonese): *nor am I asking her questions about Members. My supplementary question is: Can the transparency of the operation of the Executive Council be enhanced a little bit? The Chief Secretary did not answer it.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I could not get the drift of Mr TONG's question accurately, that is, his point about knowing more about the operation of the Executive Council. In fact, the minor disturbance this time around is precisely attributable to our hope to inform the public that on a Tuesday that was not a holiday, the Executive Council would not hold any meeting. The aim of this move is to enhance the transparency of our operation but quite unexpectedly, it caused a small disturbance.

MS EMILY LAU (in Cantonese): *President, this is not a small disturbance. This question asked by Mr TIEN, the queries raised by society and even the criticisms levelled by our Honourable President all show that the performance of the Executive Council has failed to meet standards and cannot help the authorities deal with the problems in society. Therefore, President, when a lot of items are introduced into the Legislative Council, not only does the pro-democracy camp but also other Members have to vote them down. Chief Secretary, you have to learn a lesson from this painful experience and do some self-examination properly.*

Chief Secretary, what did you say just now? You said that Executive Council Members could offer advice in a pressure-free setting but you have just got to bear some pressure. There is so much pressure in the whole society, so how possibly can Executive Council Members be spared any pressure?

PRESIDENT (in Cantonese): Ms LAU, please ask your supplementary question.

MS EMILY LAU (in Cantonese): *President, I wish to ask a question concerning part (c) of the Chief Secretary's main reply. She said that before submitting policies to the Executive Council for discussion and decision, at the Non-official*

Members' request, discussions with government bureaux would be held. May I ask her if Executive Council Members have the responsibility and if they should discuss with Members and political parties of the Legislative Council, so that they can feel the pressure of the public, then ask the authorities to formulate policies that address the aspirations of the Legislative Council and society? President, is there any such arrangement?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): If we want the Non-official Members of the Executive Council to perform the role stipulated in the Basic Law, as pointed out by me just now, and assist the Chief Executive in policymaking, I believe Non-official Executive Council Members have to keep close tabs on society and know what issues society wants to accord priority to, or on what issues divergent opinions can be found in society at present. The Non-official Executive Council Members whom I have had contact with are all richly experienced in this regard, so they are perfectly capable of performing the role of being a think tank or advisers to the Chief Executive.

MS EMILY LAU (in Cantonese): *President, the supplementary question asked by me just now is: Do Executive Council Members have the responsibility and have they ever been arranged to contact the various political parties and groupings in the Legislative Council, so that they can refer the views to the Executive Council for discussion? President, in my experience or that of the Democratic Party, we have seldom seen Executive Council Members make any effort to do so. Chief Secretary, has this ever been done in reality? Is doing so very important?*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): It is the responsibility of accountability officials to consult Legislative Council Members more systematically. My colleagues and I often listen to Members' views both at formal panel meetings and at some informal private gatherings. When the Chief Executive prepares the policy address or the Financial Secretary prepares the budget, they also listen to Members' views. As regards Executive Council

Members, they have to learn about the views from accountability officials and organize them, then put forward alternative views to the Chief Executive or voice the wide-ranging views that they have heard from the public, so as to assist the Chief Executive in policymaking.

DR HELENA WONG (in Cantonese): *I did not hear the Chief Secretary reply directly to part (a) of Mr James TIEN's main question. Mr TIEN asked her if the selection of Executive Council Members was not prudent enough. A Member also asked a supplementary question about Franklin LAM and Barry CHEUNG. The former had to take leave of absence because he sold his properties ahead of the announcement of new measures and no definite date has been set for him to resume duty. For how long does he have to take leave of absence? As regards Barry CHEUNG, even bigger problems were exposed and he even had to resign. Is LEUNG Chun-ying incapable of making wise choices or are there problems with the selection process? Now, a number of weekly magazines have reported that Barry CHEUNG failed to declare his interests in respect of many things. Has the Government ever conducted any vetting? Is the vetting carried out when hiring an ordinary civil servant, for example, an EO or AO, even more stringent than the vetting that an Executive Council Member has to go through before appointment? May I ask the Chief Secretary to reply?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Each Non-official Member invited by the Chief Executive to join the Executive Council is subject to in-depth integrity checks before taking office, just like the officials under the political appointment system.

MR PAUL TSE (in Cantonese): *President, the Chief Secretary pointed out in part (b) of the main reply that since the political structure of Hong Kong has been evolving before and after the establishment of the HKSAR and the implementation of the Accountability System for Principal Officials, the role, composition and functions of the Executive Council are now different. President, Article 56(3) of the Basic Law states that if the Chief Executive does not accept a majority opinion of the Executive Council, he or she shall put the specific reasons on record. May I know if at present, records are kept pursuant to this requirement? If Executive Council Members have divergent views, would such views really be*

put on record? What is the purpose of doing so? Before the reunification, the records had to be submitted to the British Government, but what is the purpose of doing so now? The main reply says that generally speaking, the participation of Non-official Members of the current term of the Executive Council has taken place earlier and in a more in-depth and more specific manner, but is the situation actually that of one person has all the say?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I can state clearly here that the functions, role and operation of the Executive Council will surely comply with the relevant provisions of the Basic Law. However, due to the confidentiality system of the Executive Council, please excuse me for not being able to answer Mr TSE's supplementary question directly.

MR PAUL TSE (in Cantonese): *President, are the different views actually put on record? What is the purpose of doing so? Chief Secretary, I am not asking about the details of specific issues, so confidentiality is not involved. I am only asking if such a system exists.*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I think this is also one of the matters which I have to keep confidential, so excuse me for not being able to give a reply.

PRESIDENT (in Cantonese): Third question.

Policy on Declaration of Financial Situations of Members of Executive Council

3. **MR RONNY TONG** (in Cantonese): *President, on the 17th of last month, the Hong Kong Mercantile Exchange Limited (HKMEx) decided to surrender its authorization to provide automated trading services because its revenues had*

fallen short of expenditure. It has been reported that the major shareholder of HKMEx admitted that he was in debt due to his investments on HKMEx. Since that major shareholder was a Member of the Executive Council who has resigned recently, will the Government inform this Council:

- (a) whether the existing system of declaration of interests by Executive Council Members requires them to declare their personal debts and the debts of the companies they own; if so, of the details; if not, the reasons for that; whether the authorities will review the declaration system, so as to avoid the borrowing activities or debts of an Executive Council Member or the companies he owns causing a conflict of interests with the public office as an Executive Council Member, or the problem of the confidential information of the Executive Council being leaked;*
- (b) whether the integrity checking of candidates for appointment as Executive Council Members includes the assessment of the stability of their financial situations; if it does not, of the reasons for that; if so, how it ensures that Executive Council Members declare changes in their financial situations during their terms of office; and*
- (c) whether there were any candidates for appointment as Executive Council Members in the past five years who had failed in the integrity checking because of their personal debts or the debts of the companies they owned and were eventually not appointed; if so, of the details; whether the Government will revoke the appointment of an Executive Council Member who is heavily in debt; if it will, of the details; if not, the reasons for that?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, before addressing Mr Ronny TONG's question, I would like to explain the system for declaration of interests of the Executive Council.

The Executive Council has put in place a rigorous and well-established system for declaration of interests. The declaration system mainly comprises two parts. The first part is regular declarations. On first appointment and annually thereafter, each Executive Council Member should declare their personal interests by completing the "Annual Declaration of Registrable Interests

of Members of the Executive Council". Registrable interests include the following:

- (i) remunerated directorships in any public or private company;
- (ii) remunerated employments, offices, trades, profession, and so on;
- (iii) if the interests in the above two items include provision to clients of personal services which arise out of or relate in any manner to Members' position as Executive Council Members, the names of clients;
- (iv) land and property owned by Members in or outside Hong Kong, including those which are held in the name of Members' spouses, children or other persons or companies but are actually owned by Members; or those which are not owned by Members but in which Members have a beneficial interest;
- (v) names of companies or bodies in which Members have, either themselves or with or on behalf of their spouses or children, a beneficial interest in shareholdings of a nominal value greater than 1% of the issued share capital; and
- (vi) membership of boards, committees or other organizations.

Declared interests of each Executive Council Member will be uploaded to the Executive Council website for public inspection. Executive Council Members are required to notify the Clerk to the Executive Council of changes to any of their declared interests.

In addition, on first appointment and annually thereafter, Executive Council Members should declare to the Chief Executive on a confidential basis and in greater detail their financial interests, including shareholdings (irrespective of the amount) in companies as well as futures and options contracts, held by themselves or jointly with their spouses, children or other close relatives. Any changes to their financial interests as well as any currency transactions involving the Hong Kong Dollar amounting to more than HK\$200,000 should be reported to the Clerk to the Executive Council within two trading days after their occurrence.

Executive Council Members should declare within 14 days the acceptance by them or their spouses of any financial sponsorship, sponsored overseas visits, or gifts worth HK\$2,000 or more in relation to their Executive Council membership, by completing the "Declaration of Acceptance of Sponsorships and Gifts". The declarations are also uploaded to the Executive Council website for public inspection.

The second part of the declaration system is declarations in respect of individual items discussed by the Executive Council. It is the personal responsibility of Executive Council Members to examine whether they have an interest in any item discussed by the Executive Council and declare it before the Executive Council discussion. Based on the interest declared, the Chief Executive will assess whether Executive Council Members concerned may have a potential or real conflict of interests in the item considered by the Executive Council. The Chief Executive will decide whether Members concerned should participate in or withdraw from the discussion of that item. If the Chief Executive decides that the Executive Council Member concerned should so withdraw, the relevant Executive Council memorandum and minutes will be withheld from him. Details of the Member's declaration and withdrawal will be recorded in the minutes.

As regards the three parts of the question raised by Mr TONG, my reply is as follows:

- (a) Under the present system, the interests required to be regularly declared do not include the personal debts and liabilities of Executive Council Members and the debts and liabilities of the companies they own. However, for declarations in respect of individual items, since the nature and extent of the debts and liabilities of an Executive Council Member, and his or her role as a creditor may give rise to a potential conflict of interest in relation to a specific matter being considered, based on the premise that Executive Council Members are always under a duty to avoid any conflict of interest, the Member concerned should disclose his debts and liabilities, and so on, to the Chief Executive so that a decision can be made on the appropriate course of actions to handle the conflict. The issue of handling the debts and liabilities of Executive Council Members had been examined by the Independent Review Committee for the Prevention and Handling of Potential

Conflicts of Interests (IRC), chaired by the former Chief Justice of the Court of Final Appeal, Andrew LI. Taking into account that Executive Council Members are already required to disclose their debts and liabilities to the Chief Executive on an ad hoc basis under the present system and bearing in mind privacy concerns, the IRC did not consider it necessary to include the additional requirement to declare debts and liabilities in the regular declarations of investments and interests of Executive Council Members. The aforementioned review was completed in mid-2012. The Government considers the present system for declaration of interest in respect of Executive Council Members a rigorous and effective system. There is no plan at present to revise the said system or initiate another review.

(b) and (c)

As to parts (b) and (c) of the question, we fully understand that members of the public have set a high standard for and have high expectation on the conduct of Executive Council Members. As such, Non-Official Executive Council Members, like the Principal Officials, would be required to undergo and pass the extended integrity checking before taking up the appointment. The effectiveness of the integrity checking system depends on the trust and co-operation of all parties concerned. To ensure the effectiveness and integrity of the system, we cannot disclose further details of the checking.

MR RONNY TONG (in Cantonese): *President, I am very disappointed that the Chief Secretary has actually not answered parts (a) and (b) of my question, but still I wish to follow up the crux of my question. President, in the beginning of her reply, the Chief Secretary pointed out that an Executive Council Member is required to declare any currency transactions involving the Hong Kong Dollar amounting to more than HK\$200,000, but there appears to be no need for an \$8 million loan to be declared. I would like to ask the Chief Secretary a question about common sense. If an Executive Council Member borrows money everywhere to keep his business afloat, does she agree that his creditor can be said to have a handle on him or influence on him? The creditor may not necessarily be a member of the trade in which the Executive Council Member is engaged. Hence, may I ask the Chief Secretary if an Executive Council Member*

raises loans totalling millions of dollars everywhere, is the Executive Council or the Chief Executive duty-bound to ensure that he is not qualified, or should cease, to be an Executive Council Member?

First of all, I know what her main reply is all about, but may I ask the Chief Secretary whether she or the SAR Government considers it appropriate for the Executive Council to review and pay attention to whether any of its Members is raising loans everywhere in the wake of this incident involving the HKMEx or Barry CHEUNG.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): My view is not entirely inconsistent with Mr TONG's view. I also agree that the nature and extent of the debts and liabilities of an Executive Council Member, and his or her role as a creditor may give rise to a potential conflict of interest in relation to a specific matter being considered, or if it is disclosed in the future, members of the public may feel that the Member concerned may have failed to tender advice to the Chief Executive in an impartial and fair manner. This precisely explains why I pointed out in part (a) of my reply that, for declarations in respect of individual items, Executive Council Members have been requested to disclose their debts to the Chief Executive, so that a decision can be made on the course of action to take.

MR RONNY TONG (in Cantonese): *The problem lies in the first step, not the second one. Basically, is such a person fit to be an Executive Council Member? My question for the Chief Secretary is: Should the first step of the mechanism be reviewed after this incident? Will she conduct a review in this regard?*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I already said in another reply just now that Non-Official Executive Council Members are appointed by the Chief Executive on the basis of merits. In addition, he will also take into account their competence, expertise and various factors, including personal integrity as a matter of course.

MR JAMES TO (in Cantonese): *President, I wish to ask this question once again: If an Executive Council Member has financial problems and has to borrow large amounts of money everywhere, is he not required to make another declaration after his regular declarations under the existing declaration system? Is he not required to make another declaration afterwards until his loan happens to be related to a specific agenda item, depending on the person or the bank providing him with the loan? If he is required to declare to the Chief Executive only under such circumstances, how can members of the public be convinced that Executive Council Members can act in an upright manner free of any transfer of benefit or conflict of interest?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I understand Members' concern about this issue. In the main reply, I took the initiative to make reference to an in-depth study conducted on this issue by the IRC chaired by the former Chief Justice, Andrew LI, and completed in mid-2012. The conclusion of the IRC was drawn after taking into account that Executive Council Members are already required to disclose their debts and liabilities on an ad hoc basis under the present system and having regard to privacy concerns, not to mention that civil servants in general are not required to declare debts and liabilities regularly under the existing system for declaration by civil servants. Satisfied with the implementation of this practice, the IRC has drawn the aforesaid conclusion, which has also been accepted and approved by the Government.

MS CYD HO (in Cantonese): *President, Hong Kong laws are actually quite strict in guarding against conflicts of interests of this kind. Hence, some bankrupt persons will not be appointed to public office, and people who go bankrupt during their term of office will even be dismissed from office. When a person is obliged to borrow large amounts of money, or cannot even pay a very small rent, it means that he can go bankrupt as his creditor can file a writ in court at any time.*

The Chief Secretary has mentioned in the main reply that Executive Council Members are always under a duty to disclose his debts and liabilities, and so on, to the Chief Executive. May I ask whether Barry CHEUNG has fulfilled this duty of disclosing debts at any time, and whether he has disclosed any information about his \$8 million loan from CHIM Pui-chung, returned

cheques and arrears of rent at Cyberport, and so on? Were these declarations made verbally and the Chief Executive's decisions put on record? If there are no written records, how can we monitor whether or not disclosures have always been made in these declarations? How can we monitor whether or not the Chief Executive has harboured anyone?

PRESIDENT (in Cantonese): Ms HO, given that a question shall not be asked about the character or conduct of a Member of the Executive Council under Rule 25(1)(j) of the Rules of Procedure, the first part of your supplementary question is not in compliance with the Rule.

MS CYD HO (in Cantonese): *President, I am prepared to retract all the names mentioned.*

PRESIDENT (in Cantonese): Chief Secretary, please answer the second half of the Member's supplementary question.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I do not think it is appropriate for me to comment on and answer some hypothetical questions raised by Ms Cyd HO regarding a Member of the Executive Council.

MS CYD HO (in Cantonese): *As part of my question is related to the remark made by the Chief Secretary in the main reply, that a Member of the Executive Council is always under a duty to disclose his debts and liabilities, and so on, to the Chief Executive, may I ask whether these disclosures are made verbally or in writing? If there are no written records, who will monitor whether or not Executive Council Members have always fulfilled their duty to disclose their debts and liabilities, and who will monitor whether or not the Chief Executive has harboured anyone?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, thanks to Ms HO for clarifying the second part of her supplementary question. As I mentioned in the main reply, all declarations made in respect of individual

items during the discussion on agenda items, including the disclosures by an Executive Council Member to the Chief Executive of a potential conflict of interest, will be recorded in the minutes of meeting held by the Executive Council.

MR SIN CHUNG-KAI (in Cantonese): *President, regarding the requirement for declaration of financial sponsorship, my supplementary question is: Is it considered financial sponsorship if a debt is obtained with the interest rate offered being lower than the market rate? As we all know, a so-called clean loan might carry an interest rate of 4% or 5% — for instance, a loan of \$70 million might originally carry \$2 million in interest per annum. If the same amount of loan carries an interest rate of a mere 1%, should it be treated as financial sponsorship and is declaration of such required? Will the Chief Secretary inquire into financial sponsorship in this regard?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, as I mentioned just now, the premise is that Executive Council Members are under a duty to review themselves to ensure that no potential interests are involved in every matter handled by them under the declaration system, whether for regular declarations or declarations in respect of individual items. Hence, regarding the specific circumstances mentioned by Mr SIN, if I am the person concerned, I think the best way is to seek clarification or instruction from the Clerk to the Executive Council, who will certainly seek legal advice or approval from the Chief Executive regarding the course of action to be taken as and when necessary.*

MR SIN CHUNG-KAI (in Cantonese): *President, my supplementary question comprises two parts. The reply given by the Chief Secretary just now is that a Member of the Executive Council should take the initiative to declare. The supplementary question raised by me just now is: Will the Chief Secretary or the Executive Council inquire into Barry CHEUNG, who has resigned from the Executive Council, having regard to the present circumstances to ascertain if he has received any financial sponsorship because the interest rate offered to him is lower than the market rate?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I cannot comment on a question concerning a former Member of the Executive Council.

MR ALBERT HO (in Cantonese): *President, it is pointless for the Chief Secretary to give a high-sounding and detailed account of the declaration system in the main reply, because a person might be heavily indebted or might run into insolvency, regardless of the amount of his assets. Furthermore, this Member of the Executive Council will be in a state of panic every day and has to go into hiding away from his creditor. Although it might be just a trivial problem, but should the situation worsen, he might be disturbed, intimidated and even manipulated by his creditor. In that case, how can he serve the community and serve the public wholeheartedly in a selfless and impartial manner?*

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

MR ALBERT HO (in Cantonese): *President, my purpose of raising the supplementary question to the Chief Secretary is to point out that a full declaration of debts is essential to enabling members of the public to monitor whether or not this Member of the Executive Council is able to discharge his duty diligently. We hold that it is not enough for Executive Council Members to declare to the Chief Executive only, as mentioned in the main reply today, because the Chief Executive can practise favouritism, cronyism, and harbour his own men. Therefore, the existing practice of disclosing to the Chief Executive*
.....

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

MR ALBERT HO (in Cantonese): *..... the declaration system is inadequate; we request that members of the public be allowed to monitor Executive Council Members. The report published by the IRC chaired by Andrew LI can no longer act as a shield for the Government because it does not make any sense. May I ask the Chief Secretary again whether it is because the Government has no*

confidence in members of the public that it refuses to allow them to monitor Executive Council Members? Can the Chief Executive deal with all these matters in an authoritarian manner?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I would like to quote from the observations and conclusion of the report released by the IRC last year, that it is appropriate to require the disclosure of debts in declarations in respect of individual items under the existing system because, as we all understand, we must strike a balance among different considerations and have regard for the importance of privacy, or else people of insight and the elites in society will be deterred from joining the Chief Executive's think tank or becoming his advisers. However, if we are asked by Mr HO if we will hold on to this stance forever, the answer is certainly "no". Likewise, the report compiled by the IRC has also reminded the Government that society is actually changing rapidly. Hence, the expectations of members of the public for the ethics, conduct and standard of public officers will change with the passage of time, probably including this incident. Therefore, the SAR Government will ensure that our declaration system can keep abreast of the times in the light of public expectations.

DR HELENA WONG (in Cantonese): *President, I am very pleased to hear the Chief Secretary's reference to keeping abreast of the times. There are doubts among members of the public about whether or not Members of the new term of the Executive Council, Franklin LAM and Barry CHEUNG, have undergone the extended integrity checking and how they can have regard for public interest in making decisions when the declaration system is flawed and they are heavily in debt. We agree that privacy is very important, and so is public interest. My supplementary question is: In quoting the review report compiled by the Government in mid-2012, the Chief Secretary pointed out in the main reply that the existing system is rigorous and well-established, which is also the conclusion drawn by the Government of the last term when the incidents concerning Franklin LAM and Barry CHEUNG had not yet happened. Now that we have already pointed out this loophole, can the Chief Secretary undertake and assure us that the Government of this term will really keep abreast of the times and review the existing declaration system in the face of the present circumstances?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): First of all, President, the report quoted by Dr WONG is not a review report compiled by the Government. It was compiled by the IRC chaired by the former Chief Justice of the Court of Final Appeal, Mr Andrew LI. Second, I would like to reiterate that all Executive Council Members, like the accountable officials, will be required to undergo and pass the integrity checking before taking up the appointment. The SAR Government will certainly continue to examine the standard and requirements of the general public for the ethics and conduct of public officers, and improvements will be made for purposes of keeping abreast of the times.

MS EMILY LAU (in Cantonese): *President, regarding the Chief Secretary's remark about rapid changes, has the Chief Secretary heard LAM Woon-kwong, a Member of the Executive Council, say that the requirement of declaring debts is worth consideration? Has the Chief Secretary discussed with Executive Council Members, including LAM Woon-kwong, the need to proactively initiate this review?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I have not personally discussed this issue with the convenor of the Executive Council, but Members can rest assured because even the IPC's report completed last year has called on the Government to review afresh the public expectation for the ethics and conduct of accountable officials or Executive Council Members in no less than five years and make changes. It was also mentioned at that time that the Government did not have to wait for a fixed period of five years to conduct a review, and the IRC also welcomed the SAR Government's plan to conduct this review expeditiously having regard to social changes and changing public expectations.

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

Aided Schools Becoming Direct Subsidy Scheme Schools

4. **MR IP KIN-YUEN** (in Cantonese): *President, in recent years, some aided schools (quite a number of them being traditional prestigious schools) have become Direct Subsidy Scheme (DSS) schools one after another. However,*

some aided schools' plans of becoming DSS schools have met with strong opposition from the parents of their students and the alumni, who worry that students from poor families will be deterred by the high school fees of DSS schools from applying for admission to these schools, which contradicts the schools' vision of education for all. On the other hand, a study has found that, the percentage of secondary school students from wealthy families admitted to university in 2011 was 3.7 times of that of students from poor families, while it was just 1.2 times 20 years ago. Some members of the community are concerned whether the opportunities for students from poor families for admission to university will be reduced further as they have been deterred by the high school fees to study in DSS schools with better academic results. In this connection, will the Government inform this Council:

- (a) how the authorities, when vetting and approving applications from aided schools for admission to the DSS, handle and compile statistics on the views on such applications expressed by stakeholders (including parents, alumni, teachers, education bodies and residents in the district, and so on), and whether such views have decisive effect when the authorities consider such applications;*
- (b) given that the objectives of the DSS, when it was first launched by the Government, included "[enabling] parents [to] have greater choice in finding suitable schools for their children", but some parents of students have pointed out that the choices for their children to attend their preferred schools in the district have been reduced as they cannot afford the high school fees of DSS schools, whether the authorities have assessed if such a situation reflects that the original objective has not been achieved; whether they have capped the percentage of the number of DSS schools in the total number of publicly-funded schools; and*
- (c) whether it has assessed if the authorities' approval for aided schools with better academic results to become DSS schools, which charge higher school fees, will reduce the opportunities of students from the middle and lower classes to attend such schools, thereby affecting their opportunities of pursuing further studies and upward mobility in future, and aggravating problems such as income disparity between the rich and the poor as well as social isolation, and so on; if it has assessed, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): President, all along, the Government is devoted to enhancing the educational quality of the territory. Following the growth of society, diversification in school types is a natural tendency in school education development. DSS helps facilitate such diversification in school systems.

My reply to the questions is as follows:

- (a) If aided schools apply for joining the DSS, the Education Bureau will assess the applications in accordance with a set of established criteria. The applicant school must be able to demonstrate its readiness and capability to provide quality education under the DSS as well as sound financial viability for sustainable development. At the same time, the Education Bureau will also give consideration to other factors, including the effect on the supply and demand of school places arising from the change of financing mode of the school, the results of the school's consultation with its stakeholders (including parents, teachers, alumni, and so on), whether the school could duly address the concerns of the stakeholders, and so on.
- (b) DSS schools may collect school fees so as to provide additional and quality support services for students and to improve the school facilities and teaching environment. We must emphasize that the DSS is a diversified system. There is a large variation in the level of school fees collected by the schools. Some DSS schools collect relatively high school fees while quite a number of DSS schools collect low school fees (for example, individual DSS schools collect school fees less than \$1,500 per annum) or even do not collect school fees at certain class levels.

The Education Bureau requires each DSS school to set aside at least 10% of the total school fee income to provide fee remission and scholarship for students so as to ensure that students will not be deprived of the opportunity to attend DSS schools because of their inability to pay fees. If the school fees are between two thirds and two and one thirds of the DSS unit subsidy rate, the school should set aside 50 cents for the fee remission and scholarship scheme for every additional dollar charged over and above two thirds of the DSS unit subsidy rate. The eligibility benchmarks for the fee remission and scholarship scheme should not be stricter than the government

financial assistance schemes for needy students. Moreover, in assessing the students' eligibility for fee remission, no factors except the parents' financial situation should be taken into consideration.

With the implementation of the DSS for over 20 years, 21 aided secondary and primary schools joined the DSS. As of the 2012-2013 school year, there are 73 DSS schools. They account for about 9% of the publicly-funded schools. Although we have not set an upper limit to the percentage of DSS schools among the total number of publicly-funded schools, we will continue to assess the applications for turning DSS in accordance with the established criteria, ensure that there are sufficient publicly-funded school places in every district to meet the demand and safeguard the opportunity of every student to enrol in the schools they prefer regardless of their socio-economic backgrounds. DSS schools should admit students based on reasonable and professionally sound criteria and must make public the admission criteria and weightings prior to admission so as to ensure that parents are well aware of these admission criteria.

- (c) One of the major characteristics of the DSS is to offer fee remission and scholarship for meeting the different needs of students with different socio-economic backgrounds. To ensure that there is a fair opportunity for students coming from different social strata to study in DSS schools, starting from last year, all DSS schools have been required to follow the recommendations made by the Working Group on Direct Subsidy Scheme set up in February 2011 and chaired by the Permanent Secretary for Education to implement a series of new measures for enhancing transparency of the fee remission and scholarship scheme.

The new measures include:

- (1) to clearly indicate in the application form for admission and the School Profile that needy students (including those from families receiving the Comprehensive Social Security Assistance and students receiving financial assistance provided by the Student Finance Assistance Agency (SFAA)) could apply for school fee remission;

- (2) to provide in the admission application form details of the school fee remission and scholarship schemes;
- (3) to provide details of the school fee remission and scholarship schemes to all students newly admitted to the schools by enclosing such details with the letter offering admission;
- (4) to provide an application form for the school fee remission and scholarship schemes to each of the eligible students when the school notifies students of the application results for assistance from the SFAA; and
- (5) to complete processing the applications for school fee remission schemes from newly admitted students before the commencement of the school year as far as possible so that those eligible students will not be required to pay the school fee in advance, and so on.

The Education Bureau also requires DSS schools to demonstrate that their fee remission and scholarship criteria are well thought-out with due regard to taking care of students with different backgrounds. We believe the series of measures for enhancing the transparency of the fee remission and scholarship schemes mentioned above could help facilitate more students of the middle or lower class in getting admission to DSS schools.

As reflected in the DSS schools' 2010-2011 audited accounts, over half of the DSS schools fully utilized 100% or even over 600% of their required fee remission and scholarship reserve though some of them showed a rather low utilization rate of the fee remission and scholarship reserve. The audited accounts also reflect that the total amount of fee remission and scholarship utilized by DSS schools in that school year reached about 150 million. This proves that quite a number of students with more financial needs are being benefited from this measure. Apart from this, DSS schools are prohibited to transfer funds in the school fee remission and scholarship reserve out to other reserves or for other uses. Thus, there is no need for schools to accumulate the relevant reserve. Instead, schools should

duly utilize the reserve for providing assistance for students with more financial needs.

MR IP KIN-YUEN (in Cantonese): *President, I am grateful to the large number of friends, parents and alumni of St Stephen's Girls' School who come to attend the meeting today to show their concern for this issue.*

The reply from the Secretary is very clear. He pointed out that for the grass-roots families, in the past all the traditional prestigious schools were 100% open to them. But now they can only rely on the 10% total school income which provides fee remission and scholarship for students before they can get a chance to enrol in these traditional prestigious schools. It can be likened to the situation where they can only squeeze in through this crevice into these traditional prestigious schools. They used to have a 100% chance, but now they have none. I do not know if the Secretary is aware that 41% of the schools in the Central and Western District are non-publicly-funded schools, that is, students have to pay expensive school fees before they can enrol in these schools. This so-called diversification in school systems just implies many dollars and much money is paid before one can enrol in such schools. Even schools other than those in Central and Western are not easily accessible because 41% of the schools on Hong Kong Island are non-publicly-funded schools. Previously, people who lived on Hong Kong Island were very happy because they could choose from a lot of very good schools. But now they cannot choose all of these schools.

President, my supplementary question is very simple. Does the Education Bureau have any policy which sets a percentage of DSS schools against publicly-funded schools? Will the authorities grant approval indefinitely to allow these traditional prestigious schools to turn DSS charging expensive school fees, until all schools have become DSS schools?

SECRETARY FOR EDUCATION (in Cantonese): *President, thanks to Mr IP for raising this supplementary question. I would like to point out to Members that on the whole, DSS schools take up 9% of the total number of schools in Hong Kong. Records show that not all schools which apply for turning DSS are approved. The figures I have on hand show that of the applications made over the past 20 years, approval was granted to 21 schools but approval was not*

granted to 11 other schools. In this process, schools must comply with all the relevant criteria mentioned in the main reply.

Moreover, we understand that land is scarce in Hong Kong while the population is huge, so there is an uneven distribution of schools. Maybe certain districts on Hong Kong Island or schools in Central and Western have a higher percentage of DSS schools. But overall, we think that this ratio can be kept as it is. The most important principle is, we can still provide diversified school systems. As I have just said, we have introduced many relevant measures to provide financial assistance to needy students in admission to schools.

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

MR IP KIN-YUEN (in Cantonese): *President, the Secretary has not answered my supplementary question. I asked whether the authorities have any percentage or whether approval will be granted indefinitely to schools to turn DSS. But he only talked about the criteria for granting approval, but*

PRESIDENT (in Cantonese): Mr IP, you have repeated your supplementary question. Please sit down.

MR IP KIN-YUEN (in Cantonese): *..... Is there any target or percentage?*

PRESIDENT (in Cantonese): Secretary, the Member asked if there is any set percentage.

SECRETARY FOR EDUCATION (in Cantonese): As I have just said, the existing percentage is 9%. We will examine each application and the sector also engages in discussions on the subject frequently. And many schools which submitted applications can meet our requirements and no student is barred from studying in these schools for lack of means. As I have also said just now, more than 30% of the DSS schools charge very low school fees. Members have expressed their concern in this respect, but actually they do not have to worry too much. In view of the fact that there is financial assistance from the Student

Finance Assistance Agency and also the arrangement whereby 10% of the total school fee income must be set aside as fee remission and scholarships, we consider that it works at the present stage. Members should not forget that we have a very important policy and that is, no school-age students shall be prevented from studying in a school for monetary or financial reasons.

MR TONY TSE (in Cantonese): *The Secretary has just said that the most important point is to enable needy students to study in these prestigious schools and so the schools will provide fee remission and scholarships. But the problem which I can see is that there seems to be a tendency that many of the schools which have turned DSS are prestigious schools and their number seems to be increasing. May I ask the Secretary if he has ever examined the causes of this or if there is anything wrong, so as to arrest this tendency?*

SECRETARY FOR EDUCATION (in Cantonese): According to the records I have looked up, over the past four years there were only applications from two to three schools seeking to become DSS schools and the applications from certain schools are still under consideration. As Members can note from reports in the newspapers, we have not yet received an application from the school concerned. Most importantly, the schools should make careful consideration and gauge if they can meet the relevant requirements for turning into DSS schools.

Therefore, taking a look at the development over the years, we can see that, as I have said, all the 73 DSS schools in Hong Kong only take up 9% of the total number of schools territory-wide and speaking from the perspective of diversification, DSS schools can give parents another option that suits them.

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

MR TONY TSE (in Cantonese): *No, President. My supplementary question is: Will the Secretary examine the causes as to why these schools are doing this so that prevention can be effected?*

PRESIDENT (in Cantonese): Are you asking whether the authorities have looked into why such a tendency has appeared? I have heard from the Secretary's reply that he thinks there is no marked trend. So I consider that the Secretary has given a reply.

DR PRISCILLA LEUNG (in Cantonese): *President, I have always thought that this kind of DSS schools or "through-train" school system will deprive students from not so well-off families of the chance such that they cannot stand at the same starting point in life with other people. A problem about DSS schools is that even if these students from poor families can study in the DSS schools, it would be easy for them to develop a lack of self-confidence or an inferiority complex, thereby affecting their personal development and despite the fact that they may be excellent students.*

The Secretary has stressed many times in the main reply that DSS schools are encouraged to introduce fee remission and scholarship schemes. Back in those days, if students were able to get into these schools, they would be given scholarships and they did not have to pay any school fee for five years. Therefore, they did not feel that they were in any way inferior to other students. Will the Secretary consider requiring these schools to offer scholarships as a major kind of financial assistance, thus dispensing with the need for students to make applications as in the case of applying for Comprehensive Social Security Assistance. For example, the Government may provide some kind of incentive for 20% of the students from various backgrounds. If they cannot pay for their school fees, they should be given a scholarship direct. If scholarships are regarded as a major form of financial assistance, at least the students will not have problems like a sense of inferiority.

SECRETARY FOR EDUCATION (in Cantonese): Thanks to the Member for the suggestion. We learn through contact with some schools that needy students do encounter various problems in their studies in individual DSS schools. We are aware of that. However, many schools have introduced specific measures to deal with these problems such as a mentor scheme. In addition, if students have to pay other fees to take part in extra-curricular activities such as going on a trip or buying some special equipment, there are special subsidies from the schools to

help them and they will not be placed in an embarrassing position before other students.

Moreover, as I have said, the fee remission and scholarship systems are operating together. Many schools will provide financial assistance in the form of scholarships. In other words, we allow schools to enjoy a high degree of liberty in choosing the mode of operation. The key lies always in meeting the specific needs of students.

MR KENNETH LEUNG (in Cantonese): *President, I have heard rumours about the Government planning to turn the traditional government schools into DSS schools. I have also heard from the alumni of certain government schools that work in this regard is progressing. May I ask the Secretary for Education to clarify if there are any plans to turn those government schools which are traditional prestigious schools DSS?*

SECRETARY FOR EDUCATION (in Cantonese): *President, I have never heard of that.*

PRESIDENT (in Cantonese): *Ms Cyd HO, Mr IP Kwok-him is ahead of you in the line. Please let him ask his question first.*

MR IP KWOK-HIM (in Cantonese): *Now many aided schools say that they will consider turning DSS. Actually, the greatest reason is that schools will have more resources after turning DSS and they can have greater room for improvement in the salary of teachers and facilities on campus. We can see that students in DSS schools obviously enjoy better and more facilities than students of aided schools. Has the Government made any comparison of the difference in terms of facilities in these two kinds of schools? If there is really such a difference, will the Government allocate funds to enable aided schools to upgrade their facilities so that they can be brought on par with those of the DSS schools, hence the students can enjoy better educational facilities?*

SECRETARY FOR EDUCATION (in Cantonese): President, the facilities, campuses and environment of individual aided schools are very good and so as we consider this question, we have to approach it from another perspective and that is, at times the DSS schools will use more of their resources to provide additional facilities because they have greater liberty to make such a choice. As for school facilities, we have some basic criteria and we will review from time to time how best to improve the operation of these measures.

MS STARRY LEE (in Cantonese): *President, the Secretary said that DSS schools could give another option to parents. But it is the view of parents from many grass-roots families that the emergence of DSS schools has led to a reduction instead of an increase in the choices open to them, especially those using English as the medium of instruction or those belonging to Band 1. As a result, they feel very helpless. In fact, we can see that schools which have the conditions to turn DSS are all prestigious schools using English as the medium of instruction and they are also schools preferred by parents.*

May I ask the Secretary if any statistics have ever been compiled since the beginning of education reform on the number of aided schools belonging to Band 1 which have become DSS schools and, compared to the situation before the education reform, the rate of decrease in the total number of Band 1 secondary schools?

SECRETARY FOR EDUCATION (in Cantonese): I do not have such information on hand. I will provide the information to the Honourable Member after the meeting. However, since 2009 to this year, only three aided secondary schools have applied to become DSS schools and no application has been received from aided primary schools. (Appendix I)

MS CYD HO (in Cantonese): *President, the median household income in Hong Kong is \$20,000 monthly. However, after some schools have become DSS schools, school fees for secondary forms are increased to \$35,000. The result is 60% of the grass-roots families will be unable to afford the school fees. This is because each one of these grass-roots families may have to use one and half to three or four months of their income to pay for the school fees for one child.*

May I ask the Secretary if such a burden of education fair? After they have paid for the school fees and rents, they will have no money for meals. Will they be able to afford them? Is this kind of school fee structure conducive to upward mobility in society?

SECRETARY FOR EDUCATION (in Cantonese): We understand that individual schools charge higher school fees while other schools charge lower ones. However, I hope Members can understand that many DSS schools have special measures in place to cope with the situation of students.

In the case of school fees for Secondary One in 61 DSS schools, 30% of them or 17 schools charge school fees less than \$5,000 for a full year. Five schools do not charge any school fees at all. From this it can be seen that DSS schools will take into account factors like different needs, their own education mission as well as school facilities, and so on, when they consider how the needs of the students can be taken care of.

Another point is if students want to apply for CSSA or make other arrangements, we have established mechanisms to take care of that. In the case of a four-member household with an income of \$48,000 monthly, leaving aside mortgage repayments and other expenses, the children are still eligible for fee remission.

PRESIDENT (in Cantonese): There are five Members who have requested to raise their supplementary questions. But we have already used more than 23 minutes on this question. Members may follow up through other channels. Fifth question.

Measures to Encourage Local Women to Give Birth

5. **MR IP KWOK-HIM** (in Cantonese): *President, earlier, the Family Planning Association of Hong Kong (FPAHK) released its findings on "Family Planning Knowledge, Attitude and Practice in Hong Kong Survey 2012". The survey findings reveal that the motivation of married couples or cohabitants of Hong Kong for childbearing in 2012 was the highest over the past two decades. While a majority of the women respondents set their ideal parity at two children,*

their average actual parity continued to decline over the past decade, down to 1.24 children in 2012. The FPAHK concludes that "targeted incentives such as financial allowances and parental support would help motivate couples to consider having more children." In this connection, will the Government inform this Council:

- (a) of the respective measures introduced by the relevant Policy Bureaux and departments to encourage local women to give birth, since the Government published the first Task Force on Population Report (the Report) in 2003; whether the authorities have evaluated the effectiveness of such measures; if they have, of the assessment results; if not, the reasons for that;*
- (b) as the Government had pointed out in the Steering Committee on Population Policy Progress Report 2012 published in May 2012 that "the Government will continue to explore measures to encourage local women to give birth", of the measures explored by the authorities last year to encourage childbearing; and*
- (c) whether it knows which of the member states of the Organization for Economic Co-operation and Development (OECD) have in place a policy to encourage their nationals to give birth by means of cash allowances; whether the Government will consider making reference to overseas practices and introducing childcare allowances so as to encourage childbearing?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, my consolidated reply to parts (a) and (b) of the question is as follows:

The Report, which was published in 2003, pointed out that some countries with low fertility rates had adopted pro-natalist policies to promote childbirth but their effectiveness was not clear. It also said that "we believe it is not appropriate for the HKSARG to adopt policies to promote childbirth, a matter very much of individual choices. We should, however, review existing policies to see if they discourage childbirth." Noting that the child allowance for the first two children was \$30,000 while that for the third to the ninth child was halved under the then salaries tax system, the Report recommended the Government to grant the same level of child allowance for all children at \$30,000. This recommendation was subsequently implemented in the 2003-2004 financial year.

Later, the Government introduced in 2007-2008 an additional child allowance in the year of birth. Over the years, the basic child allowance and the additional child allowance in the year of birth have been raised gradually to \$63,000 in 2012-2013.

To further lessen the burden of taxpayers on child-raising, the Financial Secretary proposed in the 2013-2014 Budget to increase both the basic child allowance and the additional child allowance in the year of birth from the current \$63,000 to \$70,000 for each child. To implement the proposal, the Administration submitted to the Legislative Council on 8 May the relevant bill, which is being scrutinized by the Bills Committee.

Although the Government has not introduced any specific pro-natalist policy measures, we have attached increasing importance to promoting family-friendly policies. The Labour Department has been encouraging the organizations in the public and private sectors to implement family-friendly employment practices. We encourage the employers to, having regard to their individual circumstances and employees' views, provide various family-related leave benefits (for example, marriage leave and parental leave) and adopt flexible working arrangements (for example, five-day week and flexible working hours) which would help employees fulfil both work and family responsibilities. In addition, the Government consulted the Legislative Council Panel on Manpower in January 2013 on the proposal to provide statutory paternity leave and is moving full steam ahead with the preparatory work for the legislation.

The Government as an employer also takes the lead in promoting family-friendly practices. The five-day week arrangement has been introduced into the Civil Service by phases since July 2006 to improve the quality of family life of civil servants. Apart from providing maternity leave on full pay for female civil servants, the Government started to provide, from 1 April 2012, eligible government employees five working days of paternity leave on full pay on each occasion of childbirth.

We understand that child care services and after-school care are matters of concern to parents. The Social Welfare Department has been supporting parents to take care of their children through a variety of child care services, for example, subvented child care centres and the Neighbourhood Support Child Care Project. Families meeting the means test and the "social needs" test may have their fee waived or halved for the services. On the other hand, the School-based After-school Learning and Support Programmes by the Education Bureau and the

After-school Care Pilot Scheme supported by the Community Care Fund help needy primary and secondary students participate in after-school learning and extra-curricular activities. They also help alleviate the burden of dual earner parents.

President, over the past 10 years, the number of live births per 1 000 women has increased from 901 in 2003 to 1 204 in 2012. However, it is difficult to assess if the recent increase in fertility rate was directly related to any individual measures and the impact of any standalone measures. This is because the decision of having children is affected by complex factors and personal considerations. Researches also point out that, apart from government policies, external factors such as social and economic environment also affect birth rates.

On part (c) of the question, according to the information we gathered, among the 34 member countries of the OECD, 21 are providing cash allowances in various forms to encourage childbirth. The list of countries is set out in the attached table and I shall not read them out one by one. We notice that birth-related allowance is only part of these countries' measures to support families. Other measures also include long-term family allowances, subsidized child care services, tax allowances, and so on.

The SAR Government revamped the Steering Committee on Population Policy (SCPP) in December last year. Having studied the Progress Report of the SCPP published in May 2012 and other relevant information, the SCPP has identified a number of priority areas, one of which is "to strengthen family, encourage marriage and childbirth" in order to make good use of Hong Kong's existing population and labour force. Overseas experiences show that policies to strengthen families and encourage childbirth often involve a range of measures that cut across various policy areas. The Central Policy Unit is conducting studies in this respect. But we need to appreciate that any policy involving the Government giving out cash allowances or requiring employers providing increased employee benefits would involve substantial public money and increase operating costs for enterprises. Therefore, we need to handle the subject with great care. If the proposed measures are not effective in encouraging childbirth, their disadvantages may outweigh advantages.

The SCPP plans to release a consultation document in September this year to set out facts and figures and seek the public's views on a range of subjects, including how to encourage childbirth. The "Family Planning Knowledge, Attitude and Practice in Hong Kong Survey 2012" by the FPAHK revealed that

Hong Kong women had a stronger desire for childbearing in recent years. As compared with the survey results in the past, more mothers-to-be also considered government support useful in encouraging childbirth. The public consultation exercise to be launched in September can, on this basis, help us collect the public's views on various subjects.

Annex

Organization for Economic Co-operation and Development countries that offer various forms of cash allowances to encourage childbirth and their respective fertility rates

<i>Country (in 2010)</i>	<i>Fertility rate (Average number of children born per woman) (in 2010)</i>
Hungary	1.26
Portugal	1.37
Poland	1.38
Spain	1.38
Germany	1.39
Slovak Republic	1.40
Austria	1.44
Czech Republic	1.49
Greece	1.51
Switzerland	1.54
Slovenia	1.57
Luxembourg	1.63
Canada	1.67
Finland	1.87
Belgium	1.87
Denmark	1.88
Australia	1.89
Sweden	1.98
United Kingdom	1.98
France	1.99
Ireland	2.07

MR IP KWOK-HIM (in Cantonese): *Thank you, Chief Secretary for Administration. The Chief Secretary mentioned earlier that the attached table sets out 21 countries which are providing cash allowances in various forms to encourage childbirth, but I cannot find such information in the table. I wonder if it is left out only from this paper that I have got here or all the other Members do not have it either. If the other Members have it, I hope that the information can be provided for my perusal, because I can only find the fertility rate but not information on cash allowances.*

My supplementary question is: There are at present three reproduction counselling centres in the public healthcare sector, providing partially-subsidized reproduction counselling services for childless women under the age of 40. As the patients are subsidized by the Hospital Authority only for part of the services, they still need to pay for the cost ranging from a few thousand dollars to over \$10,000. Besides, given the keen demand for these services, the waiting time for first appointment is usually very long. For example, the waiting time for first-time consultation at Queen Mary Hospital is 12 to 16 months. If this is taken as a measure to encourage childbirth, has the Government considered providing more public coffers to subsidize these counselling services by, among other things, expanding the scale of services and shortening the waiting time, and will it also consider removing the restriction that the services are exclusive to childless women, in order to encourage women to give birth again?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the table that I have provided in the main reply sets out the OECD countries which provide cash allowances and their respective fertility rates in 2010. If Mr IP Kwok-him would like to know the respective amounts and forms of the cash allowances provided by each of these countries, I can provide the relevant information after the meeting. We do have such information but as the cash allowances are provided in a wide variety of ways, it is rather difficult to provide a summary of the information to Members. (Appendix II)

As for the point raised by Mr IP about enhancing the services of reproduction counselling centres to encourage women to give birth, I must admit that the Government does not have a policy to encourage childbirth so far. Therefore, insofar as reproduction counselling services are concerned, we have

not increased our commitment to providing subsidies or enhanced the delivery of services to meet the needs of local women, and we think that this is precisely an issue that warrants extensive discussion in society. I think in the public consultation to be conducted in future, we will receive similar views calling on the Government to increase the provision of these services more positively and proactively to encourage women to give birth.

MR KENNETH LEUNG (in Cantonese): *President, according to the table on the OECD countries in the Chief Secretary's reply, those with higher rankings are obviously countries where the people are living more leisurely or with good taste. In Hong Kong, there are two situations that warrant concern: Do people with economic competitiveness have no reproductive ability, and do professionals with the desire for childbearing have no sex drive for reproduction?*

May I ask whether the SCPP will consider promoting childbirth among Hong Kong people by non-pecuniary incentives?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, for any proposal or way to provide incentives to encourage childbirth, we are prepared to listen to these views and take them into consideration in the consultation exercise to be conducted later.*

DR ELIZABETH QUAT (in Cantonese): *President, the Chief Secretary mentioned earlier that the Government attaches great importance to a family-friendly environment in society. There are now many policies and legislation that encourage the provision of barrier-free access and facilities in public places. However, do the authorities have policies to promote family-friendly facilities, such as the provision of baby rooms in shopping malls and government buildings for women to breastfeed their babies and also places where parents can change diapers for their babies? During some major activities or events, the authorities may sometimes provide temporary toilets. Will temporary baby rooms be also provided to take care of the needs of families?*

Moreover, the Chief Secretary said just now that the Government currently does not have a policy to encourage childbirth, but in view of the continued

ageing of the population, will it actually be contradictory to insist on not introducing a policy to encourage childbirth?

PRESIDENT (in Cantonese): Dr QUAT, you have asked a number of questions, and your last question is not related to the questions asked previously. I will ask the Chief Secretary to answer your question on family-friendly facilities first.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, Dr QUAT's view in this respect is worthy of our deep thoughts and consideration. But at present, although we do not have a policy to encourage childbirth, I understand that under the Food and Health Bureau there is a policy to encourage breastfeeding. In this connection, the authorities have, in recent years, promoted and encouraged the provision of facilities in public places and shopping malls for mothers to breastfeed their babies.

DR ELIZABETH QUAT (in Cantonese): *If there are these facilities or the Government has thought about this but if there is no policy to promote it, is this not tantamount to empty talk?*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I would like to add that this is precisely why the current-term Government, after its establishment and having made reference to the report of the last-term Government, considers it necessary to revamp the SCPP in order to follow up the relevant work. I wish to mention in particular that the follow-up work taken by us now is different from the work carried out in relation to the population policy on the last two occasions. We have for the first time invited non-official members to join the SCPP, including Dr FAN of the FPAHK. I believe through their input and by drawing on collective wisdom, we can include more measures and policies that can help increase the local fertility rate in the work that we are going to carry out in respect of population policy this time around.

MR TAM YIU-CHUNG (in Cantonese): *President, the last Chief Executive seemed to have made great efforts to promote and encourage childbirth by, among other things, appealing to the public to give birth to three children. The Chief Secretary mentioned earlier that a survey had revealed that Hong Kong women had a stronger desire for childbearing. Can the Chief Secretary tell us whether this desire is lower on the part of Hong Kong men? If that is the case, the problem could not be resolved. What does she think about this?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, on this question, I am afraid I cannot answer it on behalf of Hong Kong men. But I wish to point out that the attitude revealed by the FPAHK survey, that is, the attitude of hoping to have more children, and the actual actions taken may be entirely different.*

If we purely look at the statistics, the situation is actually not that optimistic. Let me cite one or two figures. Women tend to get married late nowadays. In 2011, the median age at first marriage was 28.9 for women, up by five years compared to 23.9 in 1981. Besides, the situation of celibacy is even more worrying. Women aged between 40 and 44 who have never got married accounted for as high as 17% in 2011, compared to only 3% in 1981. Therefore, judging from these figures, we certainly feel concerned about the situation.

That said, we can find a little comfort in noting that over the past few years, there has been a persistent rise in the local fertility rate since its all time low in 2003. Therefore, as we re-formulate the population policy at this time, which includes encouraging childbirth by local women, we think that we should be able to seize the opportunity to come up with better proposals in various aspects, including policies and support measures.

MR CHAN CHI-CHUEN (in Cantonese): *President, when we discuss policies of encouraging childbirth, we actually often assume Hong Kong people are unwilling or do not dare to give birth because they do not have sufficient conditions to do so, and these conditions mostly refer to financial conditions and social conditions in discussions. This is why pro-natalist measures have focused*

on these aspects, just as we do today. However, I wish to ask a supplementary question about biological conditions.

The Chief Secretary said earlier that the median age at first marriage for women has been deferred by five years over the past three decades. It means that they get married late and when they wish to bear a child, they do not have the ability to do so. In other words, even though they have the desire and also the drive to have sex night and day, they still may not be able to succeed. The problem that we face now is that despite a strong desire for childbearing, the production is low, so this is a problem of insufficient productivity.

Chief Secretary, my supplementary question is this: Will the Government consider the provision of services for storage of eggs? For example, 18-year-old women can store up their eggs for use when they are 38 or 48, or will the Government even consider setting up an egg bank?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, as I pointed out in reply to Mr IP's supplementary question earlier on, if we really wish to put in place a clear policy to encourage childbirth locally, we must comprehensively review the factors that are deterring Hong Kong women from childbearing and put forward solutions accordingly. Therefore, as regards Mr IP's view that it is best to provide highly-subsidized reproduction counselling services or Mr CHAN Chi-chuen's proposal, as well as the views to be collected in the consultation exercise to be conducted later, I believe the SAR Government will take them into consideration.

DR KENNETH CHAN (in Cantonese): *President, whether or not to give birth is indeed closely related to the policies in some measure. This is why when I examined the main reply, I was puzzled by the Chief Secretary's reply to the Member. On the one hand, she said that there is no such policy but the Government is actually taking forward this policy through a tax allowance. President, this is exactly my worry. The Government is encouraging the middle-class people to give birth through the child allowance but the grassroots or people whose family background is less well-off have to wait for child care or*

after-school care services provided by the Government through various pilot schemes.

I would like to ask the Chief Secretary a specific supplementary question. In the consultation document to be published soon, will the Government apply the theory of eugenics by targeting pro-natalist measures on people whom the Government thinks are of a better family or education background while seeking to reduce by all means the fertility rate among the grassroots on the ground of public coffers, President?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, as I pointed out in the main reply, the increase of the child allowance in recent years and the one-off additional allowance provided in 2007-2008 are meant to alleviate the burden of taxpayers in raising their children.

Just take a look at the relevant information on the OECD countries and we will know that the financial support that can truly encourage childbirth is usually not just limited to tax allowances but also in the form of direct subsidies. Some countries provide subsidies during women's pregnancy or at the birth of the infants or even for the infancy period up to the age of three. Therefore, I think we have not yet come to the stage where it is necessary to encourage childbirth by financial means.

As for what we will do after consultation, it is still premature to tell at the present stage. But I can tell Dr CHAN categorically that we definitely will not adopt eugenics as mentioned by him to divide local families and women into different strata and take different positions on the policies to encourage them to give birth.

DR HELENA WONG (in Cantonese): *President, in the Chief Secretary's main reply, I find the Government's position rather confusing. Does it encourage childbirth, or does it not encourage it? The report published in 2003 considered it inappropriate to encourage childbirth through government policies whereas in 2012, the SCPP led by the Chief Secretary said that studies were conducted on encouraging marriage and childbirth, and the consultation document to be*

published in September is also about conducting studies to encourage local women to give birth.

Does the Government encourage it or not encourage it? Is it that the Government still has not considered this matter clearly and would like to listen to public views? My view is that

PRESIDENT (in Cantonese): Dr WONG, please let the Chief Secretary give a reply.

DR HELENA WONG (in Cantonese): *Well then, will she please answer this supplementary question?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Like many government policies, the population policy must keep abreast of the times in the light of changes in society. The first Report published in 2003 did take the view that it was inappropriate for the SAR Government to adopt policies to encourage childbirth. Then, the Steering Committee on Population Policy Progress Report 2012 published last year before the establishment of this Government seems to have been toned down in stating that studies would be conducted on ways to handle this issue. In respect of the SCPP currently led by me, I think as the population continues to age in Hong Kong, coupled with our demand for talents, we may probably need to adopt more aggressive policies in this regard, and this is also an issue that warrants discussion in society.

Having said that, I must add a footnote here because according to the experiences of many foreign countries, no matter how many financial or social incentives or policies are introduced, they still may not necessarily achieve the desired effect of encouraging women to give birth because childbearing is after all a matter very much of individual choices.

PRESIDENT (in Cantonese): We have spent nearly 23 minutes on this question. Last oral question.

Assisting SMEs in Using Information Technology

6. **MR ANDREW LEUNG** (in Cantonese): *President, some members of the information technology (IT) industry have relayed to me that the application of information and communications technology is of particular importance to small and medium enterprises (SMEs) as it helps them improve workflow, enhance the efficiency of business operations and service standards, as well as boost their competitiveness. The cloud technology, which has become increasingly popular recently, may even help SMEs adopt IT application systems that are suitable for their scales of operation via the Internet and mobile networks with low start-up costs. However, many SMEs are still sceptical about accessing IT services via cloud computing, and they are particularly concerned about the security problems with cloud computing. In this connection, will the Government inform this Council:*

- (a) *whether the authorities have new measures to promote the use of information and communications technology by SMEs; if they have, of the relevant measures; if not, the reasons for that;*
- (b) *regarding the potential risks in information security of cloud computing, how the authorities help SMEs understand and remove such risks; and;*
- (c) *as the authorities have indicated that they are co-operating with the Hong Kong Productivity Council in studying ways to help SMEs adopt cloud computing services for enhancing operational efficiency, productivity and customer services, of the details of the study and the expected time when the relevant measures can be launched to help SMEs?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, my reply to the three-part question is as follows:*

- (a) *The effective use of information and communications technology by SMEs can greatly enhance their operational efficiency and competitiveness as well as facilitate their business development, thereby fostering the sustainable economic growth of Hong Kong. In view of this, the Office of the Government Chief Information*

Officer (OGCIO) has launched the Sector-specific Programme (SSP) since 2004 to promote the use of information and communications technology among SMEs. Under the SSP, a total of about \$12 million was provided to support 16 projects for 12 sectors, benefiting over 11 000 practitioners from SMEs so far. With the advent of cloud computing, two of these projects, namely "Consumer Connect" (a cloud-enabled marketing platform for the wholesale and retail sector) and "Security Cloud" (a cloud-based tele-protection system), also adopt cloud technology.

We launched a new round of the SSP on 31 May 2013, setting aside \$3 million for sponsoring projects that develop applications and solutions for individual SME sectors to encourage SMEs to suitably adopt information and communications technology to enhance their operational efficiency and create business opportunities.

Cloud technology allows SMEs to adopt information and communications technology solutions that are suitable for their scales of operation with low start-up costs. The use of cloud services can also significantly reduce the need for technical know-how and manpower resources to cope with system maintenance and upgrade. To drive the adoption and development of cloud computing in Hong Kong, we launched a portal on cloud computing (InfoCloud) in January 2013 to provide SMEs with various information on cloud computing as well as user guides and best practices, including the "Practice Guide for Procuring Cloud Services" (Practice Guide) and "Success Stories (Use Cases) of Using Cloud Computing Services", and so on. These publications help SMEs understand the benefits of using cloud computing, how to select cloud services as well as common issues that SMEs should be mindful of when adopting cloud services such as security and switching between service providers. We are inviting feedback from the industry, including SME-related organizations, on cloud computing adoption. In addition, we plan to hold a roundtable meeting in the fourth quarter of 2013 to discuss ways of enhancing and enriching the above information to SMEs.

To further promote the adoption of cloud computing services by SMEs, we will step up promotion, including publicity through online

media, distributing information leaflets, co-organizing promotional activities with IT industry and SME-related organizations, participating in seminars, and continuously enriching the content of the Practice Guide and the security checklists.

- (b) Cloud services provide users with information and communications technology services that are suitable for their scales of operation via the Internet and mobile networks. However, cloud services are inevitably exposed to potential risks of cyber attacks given their connection to public networks. Moreover, data processed or stored by cloud service providers may contain valuable, sensitive and personal privacy information. To protect such information and minimize the risks arising from cyber attacks, enterprises should adopt preventive and security measures when selecting and using cloud services.

The Government has been disseminating up-to-date reference materials and news on information security via various channels, including "InfoSec" portal, talks, seminars and publicity leaflets/pamphlets, to help SMEs understand various security risks and the necessary security measures. Moreover, we have published materials on information security, including the "Security & Privacy Checklist for Cloud Service Providers in Handling Personal Identifiable Information in Cloud Platforms" and "Security Checklists for Cloud Service Consumers" through the abovementioned "InfoCloud" portal for reference by SMEs. When formulating information security guidelines, we make reference to international standards on information security and industry guidelines.

- (c) We are now working with the Hong Kong Productivity Council to explore how to support SMEs in the adoption of cloud computing services. In late 2012, we consulted the industry on how to develop a sustainable commercial cloud platform, in order to understand the requirements and concerns of SMEs and service providers. We received a total of 22 submissions providing views from the perspectives of both service providers and SMEs in areas like information security, technical and user support, whether sufficient solutions are available on the cloud platform to address the

operational needs of SMEs, arrangements of switching among service providers, charging and promotion, and so on. We are now considering ways to facilitate the development of a sustainable commercial cloud platform, with a view to formulating practical measures to encourage participation of SMEs and service providers in the platform. We are still working out the details.

MR ANDREW LEUNG (in Cantonese): *In the Secretary's reply, he said SMEs were encouraged to adopt cloud computing services. In fact, in other countries and regions, such as Taiwan and Singapore in our vicinity, the governments there have vigorously promoted the development of cloud computing. In view of the growing popularity of mobile devices and the launch of new mobile devices, may I ask the Government if it has any plan to encourage more investment in cloud computing so as to raise our competitiveness?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I pointed out in the main reply that plans have been put in place to assist various trades and industries to develop information technology application, particularly innovative technology including cloud computing. Mr LEUNG mentioned the launch of new mobile devices just now. We have also noticed the rapid development of innovative mobile devices, such as tablet computers and smart phones, which has definitely created ample room for the development of cloud computing. We will keep a close watch on the development in this respect, maintain close contact with the trade, keep tabs on the latest market information and pulse, and explore creative application products and solutions. In this connection, the Government will adopt liberalization measures to enable our IT infrastructure and communications network to gain a foothold in the most advanced ranks worldwide and to provide a solid foundation for cloud computing, thus facilitating our development in this area.

In the development of cloud computing, infrastructure including the establishment of data centres is vitally important. In this connection, the Government has been making vigorous efforts in maintaining a business-friendly environment and ensuring the free flow of information, whereas the supply of talents in the field is in abundance. All these factors have brought great advantages and room for the development of data centres in Hong Kong. To

encourage the development of data centres, we have introduced some concessionary measures as an incentive for using factory buildings to set up data centres. The Data Centre Facilitation Unit under the Office of the Government Chief Information Officer will provide one-stop services to facilitate multinational countries in setting up data centres in Hong Kong, and such services benefit various trades and industries, including SMEs.

MR JEFFREY LAM (in Cantonese): *President, apart from the development of cloud computing which we talked about earlier, we should also do a good job of the coverage of Wi-Fi. However, according to the report of the Director of Audit published some time ago, results of the tests at 20 government venues which had already installed Wi-Fi indicated that two of the venues had no Wi-Fi services; as for the other venues with Wi-Fi coverage, the speed of the network was very slow. May I ask the Secretary of the measures to be implemented to improve the coverage of Wi-Fi service at the existing 400 government venues in the territory, and whether the Government will provide free Wi-Fi services at more venues?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): We have all along been working vigorously on the development of GovWiFi. Members should have noticed that the number of Wi-Fi hotspots has been increased recently. We will continue to develop and work on this. As for the access of individual hotspots, we will follow it up from time to time. If it is necessary to enhance the service or expand the coverage, we will follow up with the service providers concerned.

MRS REGINA IP (in Cantonese): *Regarding the business opportunities arising from cloud computing, experts in the trade consider that they mainly include three aspects: First, infrastructure as a service; second, platform as a service and third, application as a service. May I ask the Secretary which of the three aspects mentioned is the easiest for SMEs in Hong Kong to capitalize on the business opportunities? Moreover, is it possible to enhance the co-operation with Mainland SMEs or large enterprises to enable Hong Kong to develop more business opportunities?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I very much agree with the views of Mrs Regina IP, for cloud computing is indeed about the provision of services on these three platforms. As for infrastructure, this spares SMEs from spending a lot of resource on start-up to enjoy such service. Users of cloud computing may pay a relatively low cost to gain access to cloud infrastructure and software services, so they do not need to purchase various items all at one time, and they do not need to find technicians to review the system from time to time. After using cloud computing, users will gain access to the series of services via the cloud. This will thus lower the cost borne by SMEs.

Apart from this, SMEs may expand their service coverage through efficient cloud computing. There is an abundance of business opportunities in this realm, for instance, customers may obtain information required by them through cloud computing. The Consumer Connect project mentioned by me in the main reply is designed for SMEs in Hong Kong, facilitating them in uploading their products onto the cloud. Consumers need only aim their phones or tablet computer at the bar code to get the basic information about the product stored in the cloud instantly, just as I demonstrated, as well as nutrition information of the food products, and so on. Not only will it help consumers to get the information, SMEs will also benefit from the convenient access to information in expanding business opportunities.

Certainly, cloud computing may also enhance the efficiency of communications, be it between Hong Kong and the Mainland, or between Hong Kong and overseas organizations, for business co-operation between both sides will be made more convenient via cloud computing and the coverage of services and products will be expanded.

MR YIU SI-WING (in Cantonese): *President, in 31 May 2013, the authorities launched a new round of the SSP, setting aside \$3 million as sponsorship for SMEs, but I think the amount set aside is not large.*

May I ask the Secretary which industries will be subsidized mainly and whether there is any plan to give priority to certain industries, including the tourism industry?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the SSP was introduced in 2004. In the past, we did focus on certain industries each year and invite them to submit proposals to us regarding their technology needs. As I mentioned in the main reply, we have provided support to 16 projects for 12 sectors since 2004, including the tourism services of travel agents.

In view of the increasing demand for IT of various trades and industries, in the new round of the SSP this year, we have not specified certain industries this time but made the programme open to all trades and industries for application. As for the sponsoring amount, \$3 million has been set aside for the time being, yet we are open in this respect. If it is necessary and if the response is enthusiastic, and if the trade considers it necessary to put in more resources to assist certain industries in developing IT, we will re-examine the sponsorship amount.

DR ELIZABETH QUAT (in Cantonese): *President, in the use of cloud computing, security is the gravest concern to SMEs. May I ask whether the Government has obtained the information of existing hackers? Does the Government have adequate resources to deal with all kinds of technology crimes? For instance, has it investigated the source of hackers' attacks in Hong Kong in the past to confirm if the hackers are mainly local or overseas hackers? Has the Government sought cross-boundary co-operation in information security issues? Are there any specific examples and successful cases? Will the Government consider increasing the resources and manpower concerned to prevent and combat technology crimes?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thanks to Dr Elizabeth QUAT for the supplementary question. Dr Elizabeth QUAT asked whether hackers were mainly from local or overseas. Perhaps I may put it this way. Hackers attacking Hong Kong are indeed mainly from overseas. The Government has all along paid keen attention to the problem and maintained close contact with overseas law-enforcement agencies and major stakeholders in the trade to examine ways to enhance the security system and share information and experiences. In this connection, to raise the security awareness of the trade of cloud computing or IT, the OGCIO will from time to time provide information to the trade, teaching them about precautions

and how to ensure security in IT. We believe that with the implementation of precautions on various fronts, together with the joint effort with multinational and other law-enforcement agencies, we will be able to do a good job of security.

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

DR ELIZABETH QUAT (in Cantonese): *The Secretary has not answered whether the authorities will consider increasing resources and manpower to prevent and combat technology crimes. I am particularly concerned whether the resources of the police are adequate.*

PRESIDENT (in Cantonese): Secretary, please answer whether the resources are adequate.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As I mentioned earlier, the authorities have already set aside resources to assist the trade in developing IT in the new round of the SSP. We are also concerned about the security of cloud computing, so we have launched measures and we welcome the trade to work on this with us.

MR CHARLES PETER MOK (in Cantonese): *President, I think the major concern for SMEs in deciding whether or not to adopt cloud computing or certain other applications is security and other issues mentioned earlier, whereas cost is also an important consideration. Promotion and publicity alone is inadequate, so the Government must provide direct support to SMEs, particularly on the trial of solutions now used by local SMEs. I think it is extremely necessary.*

The trade has been proposing to the Government the introduction of technology pilot schemes, whereby the Government will provide subsidy for SMEs to adopt solutions already in use by SMEs. There are many similar examples in Singapore. The Government is responsible for providing "Choi Sum" — the side-dish, and the trade is responsible for providing the "beef" — the main ingredient, and together they will cook a dish of "Choi Sum and Beef". However, the Hong Kong Government seldom does so. Singapore introduced

e-business years ago, and by last year, it implemented cloud computing direct, where the Singaporean Government meets part of the cost to subsidize SMEs in using local solutions.

PRESIDENT (in Cantonese): Mr MOK, please state your supplementary question.

MR CHARLES PETER MOK (in Cantonese): *May I ask whether the Hong Kong Government will consider implementing similar schemes? If not, what are the reasons?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, Hong Kong Government has all along been working together with the trade in developing the application of IT. In terms of resource, as I mentioned in the main reply earlier, resources have been allocated for work in this respect and on other fronts to complement the development of SMEs, the trade, in particular, since 2004. For instance, under the SME Development Fund, we welcome the trade to apply for resources for the development of IT applications to upgrade their competitiveness. Therefore, I do not agree that we are lagging behind in this area in comparison with other regions. The scope of co-operation between the Hong Kong Government and the IT trade is quite broad.

MR CHARLES PETER MOK (in Cantonese): *The Secretary has not answered my supplementary question. My question is whether the Government has any plans currently to provide direct subsidy to individual users instead of the trade as a whole in meeting part of the cost of IT application, so that users may use the subsidy to purchase those solutions. Certainly, I also support Mr YIU Si-wing, and I consider that support should be provided to individual industries as a whole, yet SMEs will not be able to benefit from this direct. President, this is my question.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Our support measures for SMEs are not unitary for we are aiming at diversified development. Let me cite a few examples to illustrate my point.

We have dedicated a specific fund to assist enterprises in pursuing upgrading and restructuring and developing their brands. In this course, if the projects of SMEs also include IT needs, we will render them support. Under the SME Financing Guarantee Scheme, when SMEs propose IT investment in their applications for financing, we will provide support to SMEs. Therefore, I think we have already offered support on various fronts in response to the needs of SMEs in IT development.

IR DR LO WAI-KWOK (in Cantonese): *President, the development in cloud technology has enabled tablet computers and smart computers to swiftly capture the global market, and mobile devices and wearable devices like smart glasses and smart watches have surfaced in the market. Even revolutionary transport networks like unmanned vehicles, and so on, will become the mainstay in future.*

May I ask the authorities how they would effectively and practically assist the trade in grasping the business opportunities to develop industrial diversification in Hong Kong through the platform of cloud computing?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thanks to Ir Dr LO Wai-kwok for the supplementary question. Just now, Ir Dr LO mentioned a lot of technological development, the use of different platforms or methods in accessing the Internet or using cloud services to create business opportunities, I agree with him about all of these. As I mentioned in the main reply earlier, we hope to use the SSP to subsidize SMEs in various trades and industries in adopting cloud computing technology through various approaches, so that they can upgrade their competitiveness. We are open in this respect and various trades and industries may approach us to examine how best to tap the latest developments in this area.

We plan to hold a roundtable meeting in the fourth quarter of 2013, that is, this year, to discuss ways to facilitate the development of industrial diversification via cloud computing, as Ir Dr LO suggested.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Collection of Financial Transactions Tax in Hong Kong for Italian Authorities**

7. **MR CHRISTOPHER CHEUNG** (in Chinese): *President, according to the Financial Transactions Tax (FTT) Law of Italy, which came into force on 1 January this year, FTT is due by the persons to which financial instruments (such as shares) issued by Italian resident companies are transferred, regardless of their place of residence and the place where the contract is concluded. PRADA S.p.A. (Prada), a company listed on The Stock Exchange of Hong Kong (SEHK), published an announcement on 5 March this year, pointing out that transfers of its shares would be affected by the provision, and financial intermediaries had to collect FTT from their clients and transfer it to the Italian Inland Revenue Office (IRO). Some members of the securities industry have relayed to me that neither the Securities and Futures Commission nor SEHK has given a clear account of the related arrangements so far, rendering it difficult for securities firms to explain to their clients and investors the procedures and details regarding the collection and handling of FTT. In this connection, will the Government inform this Council:*

- (a) *whether the Italian authorities have any legal basis for requesting financial intermediaries in Hong Kong to collect the aforesaid tax for them; if they have, of the details and how it is to be executed; and*
- (b) *whether the Government has assessed the impact, on Hong Kong's position as an international financial centre, of financial intermediaries assisting the Italian authorities in collecting the aforesaid tax in Hong Kong from investors; if it has, of the details; whether the Government has considered making reference to the practice of the Italian authorities to impose FTT on investors of companies which are registered in Hong Kong and listed overseas?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): *President, my consolidated reply to the two-part question is as follows:*

The new Italian FTT was introduced under the Budget Law promulgated by Italy on 24 December 2012. On 28 February 2013, the Ministry of Economy and Finance of Italy published the ministerial decree relating to the

implementation of the FTT, that is, the Italian Financial Transactions Tax Law (FTT Law). According to the FTT Law, the Italian FTT applies to all transactions involving the transfer of shares and related financial derivatives issued by companies domiciled in Italy, regardless of the place of execution and the domicile of the contracting parties.

Prada is currently the only Italian company listed in Hong Kong, and its shares and derivative warrants are traded on the Hong Kong Exchanges and Clearing Limited (HKEx). In response to the request from the HKEx, Prada made two announcements on 21 February and 4 March this year respectively to provide information on the Italian FTT. Prada stated in those two announcements, which have been uploaded to the HKExnews Website for public viewing, that relevant instructions about FTT payment were expected to be set forth by an official provision to be issued by the Director of Italian IRO.

The HKEx understands that based on the Italian FTT Law, the ultimate transferees in the case of shares and other equities transactions, and both the ultimate transferors and transferees in the case of equity derivatives transactions, are liable for the FTT. The obligation to pay the FTT falls on the financial intermediaries which involve in the execution of the transactions. However, as far as the relevant transactions effected in Hong Kong are concerned, since there is uncertainty regarding the identities and obligations of the person(s) liable for the FTT and the person(s) to pay the FTT, the tax computation and the payment procedures, they are subject to clarification by the Italian authorities.

In early May this year, the HKEx wrote to the Ministry of Economy and Finance of Italy, seeking clarification on related issues such as the abovementioned obligations, the tax computation and the payment procedures. In addition, the HKEx has commissioned tax consultants to advise it on the impact of the Italian FTT on the HKEx, local financial intermediaries and other market participants.

The Administration has also contacted the Italian authorities through various channels, including the Hong Kong Inland Revenue Department and our overseas Economic and Trade Office, to help the financial sector obtain further information. We learn that the Italian IRO has yet to announce the details of the FTT. The Italian IRO plans to issue the relevant instructions on the details of the FTT, which will cover the payment procedures, in July this year.

We understand that some members of the local financial sector have queries about the new Italian FTT and are very concerned about its possible impact on them. We are working with the HKEx to clarify the details with the Italian authorities through various channels. We will continue to relay the views and concerns of the financial sector to the Italian authorities.

The question also asks whether the Government has considered making reference to the practice of the Italian authorities to impose FTT on investors. All along, Hong Kong adheres to a low, simple and predictable tax regime, and is committed to maintaining a favourable and competitive business environment. Given that it is not in line with our established tax policies, we do not intend to follow the Italian practice of introducing the FTT.

Supply of and Demand for International School Places

8. **MR TOMMY CHEUNG** (in Chinese): *President, some parents have pointed out that the places in the international schools in the territory, especially those the main medium of instruction of which is English, are insufficient, and their tuition fees are becoming more and more exorbitant, which have rendered some expatriates working in Hong Kong unable to arrange for their school-age children to come and reside in Hong Kong. In this connection, will the Government inform this Council:*

- (a) *whether it knows if the waiting time for admission to the international schools in Hong Kong is longer than that in nearby international cities such as Singapore, Tokyo, Shanghai, and so on; of the respective fill-up rates of and the numbers of students waiting for admission to the various international schools in Hong Kong at present; if such figures are not available, whether the authorities will conduct relevant surveys to ascertain the actual situation;*
- (b) *whether it knows the proportions of local and non-local students in international schools at present, and set out in table form the respective numbers and percentages of local and non-local students in various international schools, with a breakdown by whether such schools are subvented or self-financed;*

- (c) *whether it knows if the number of local students studying in international schools is on a rising trend in recent years; of the respective total numbers of students and average fill-up rates of international primary and secondary schools the main medium of instruction of which is English, as well as the respective numbers and percentages of local and non-local students in such schools, in each of the past three years (set out in the table below);*

<i>Primary schools</i>			
<i>School year</i>	<i>Total number of students (average fill-up rate)</i>	<i>Total number of local students (percentage in the total number of students)</i>	<i>Total number of non-local students (percentage in the total number of students)</i>
<i>2012-2013</i>			
<i>2011-2012</i>			
<i>2010-2011</i>			
<i>Secondary schools</i>			
<i>School year</i>	<i>Total number of students (average fill-up rate)</i>	<i>Total number of local students (percentage in the total number of students)</i>	<i>Total number of non-local students (percentage in the total number of students)</i>
<i>2012-2013</i>			
<i>2011-2012</i>			
<i>2010-2011</i>			

- (d) *of the highest, lowest and median tuition fees charged by international schools in the current school year, with a breakdown by whether such schools are subvented or self-financed and whether they are primary or secondary schools (set out in the table below); of the measures taken by the Government to ensure that international schools are not heading for "aristocratization" by charging exorbitant tuition fees which are unaffordable by ordinary families;*

<i>Tuition fees</i>	<i>Secondary schools</i>		<i>Primary schools</i>	
	<i>Subvented</i>	<i>Self-financed</i>	<i>Subvented</i>	<i>Self-financed</i>
<i>Highest</i>				
<i>Lowest</i>				
<i>Median</i>				

- (e) *as the Government's latest information has indicated that there will still be a shortfall of 4 203 primary places in the 2016-2017 school year after taking into account the additional places to be provided under the various expansion and redevelopment projects to be implemented by the international schools, of any other specific contingency measures taken by the authorities to tackle the problem of shortage of international school places; and*
- (f) *of the respective numbers of applications received, in each of the years from 2007 to 2012, by the Government from international schools for relocation to vacant school premises, expansion and redevelopment, and the respective numbers of additional places provided under such projects (set out in the table below); the average time required for processing such applications; whether it will adopt measures to simplify and expedite the relevant procedures?*

<i>Year</i>	<i>Number of applications</i>			<i>Average time required for processing the applications</i>	<i>Number of applications approved (total number of additional places provided)</i>
	<i>Relocation to vacant school premises</i>	<i>Expansion</i>	<i>Redevelopment</i>		
<i>2012</i>					
<i>2011</i>					
<i>2010</i>					
<i>2009</i>					
<i>2008</i>					
<i>2007</i>					

SECRETARY FOR EDUCATION (in Chinese): President, the Administration is committed to developing a vibrant international school sector in meeting the education needs of overseas and local families in Hong Kong. Our response to the six parts of the question is as follows:

- (a) According to the student enrolment survey conducted in September 2012, the percentage of provision taken up at primary level in schools operated by the English Schools Foundation (ESF) and private international schools in the 2012-2013 school year was 89.2% while that at secondary level was 88.5%. The fill-up rate unavoidably varies among schools as it is affected by a number of factors including geographical location, curriculum, cultural background of the schools, as well as the choice of parents. The overall fill-up rate of these schools in the 2012-2013 school year was 88.9%. With reference to the Thematic Household Survey conducted by the Census and Statistics Department in 2011, of those studying in schools operated by the ESF, private international schools and private independent schools, over 70% had waited for less than six months from submission of application to successful admission to the school. We have not compared the waiting time for international schools with other cities. In addition, we have recently completed a consultancy study which stock-takes the existing provision of international school places and project future demand and supply. According to the findings of the study, the number of students on the waiting lists for international schools places⁽¹⁾ were 3 918 at primary level and 452 at secondary level in the 2011-2012 school year. The number of students on the waiting lists of international schools may be over-reported as some schools did not take out the entries on the waiting list following the subsequent admission of students to other schools. Furthermore, some may apply for more than one school and their applications are covered by the waiting list of different schools. In view of the above, the number of students on the waiting list has been adjusted to take into account the possible over-reporting. We are unable to provide the number of students on the waiting list of individual international schools.

(1) Includes the provision of all primary and secondary school places in schools operated by the ESF, private international schools and private independent schools.

- (b) According to the student enrolment survey mentioned in part (a) above, the proportion of local students⁽²⁾ in ESF schools and private international schools in the 2012-2013 school year accounts for 13.7% and that of non-local students is 86.3%. The respective numbers and percentages of local and non-local students are set out at Annex A. International schools are generally operated on a self-financing basis without recurrent subvention from the Government. The schools set out at the Annex are categorized into three groups, namely (1) ESF schools; (2) schools that have been allocated vacant school premises or greenfield sites through the School Allocation Exercise launched since 2007; and (3) other international schools (those fall within neither group (1) nor (2)).
- (c) The total number of students in international schools and average fill-up rate from the 2010-2011 to 2012-2013 school years with breakdown by levels and by the proportion of local and non-local students as appropriate are set out at Annex B.
- (d) The highest, lowest and median tuition fees charged by the three categories of international schools set out in paragraph (b) in the 2012-013 school year are summarized in Annex C. Fee adjustments by all schools (including international schools) are subject to the prior approval of the Education Bureau under Regulation 65 of the Education Regulations. Factors to be considered in examining application for fee adjustment include the *modus operandi* of international schools which is self-financing and market-driven, explicability of the application, benefits to students, whether the schools demonstrate sound financial position and the impact of fee increase in enhancing students' learning. We also take into consideration the support from parents and other stakeholders and whether the schools have responded to their concerns.
- (e) In view of the expansion plan of the business community, the increase in student population from overseas families coming to

(2) Local students include students refer to those who are Hong Kong permanent residents (with the right of abode in Hong Kong Special Administrative Region) and do not have any foreign passport (except British National (Overseas) Passport).

Hong Kong, the local demand for international school places, and the unmet demand as derived from the waiting list of international schools, it is projected under the findings of the abovementioned study that the total demand for international school places will increase in the coming five years, resulting in a shortfall of 4 203 primary places in the 2016-2017 school year. Based on findings of the study and our experience in implementing facilitation measures, in the next few years, we plan to implement measures in three areas with a view to effectively addressing the shortage of international school places. These include allocating vacant school premises and greenfield sites for development of international schools, enlisting support from international schools to better utilize existing campuses and land to increase school places, and enhancing online resources to facilitate expansion or redevelopment projects. We have allocated three vacant school premises to three quality school operators in April, through which 1 150 additional primary places and 210 secondary places are expected by the 2016-2017 school year. These additional school places will help meet the needs of the community. Furthermore, we have recently written to international schools, appealing to them to utilize the maximum class size so as to ensure effective use of land resources and premises, to accord higher priority to children from overseas families who come to Hong Kong with their parents and to accept children from overseas families whose mother-tongue are not English. We also suggest international schools consider devising an allocation mechanism such that certain proportion of places in the schools would be earmarked for children whose parents are recruited or relocated from outside Hong Kong.

- (f) We have allocated four greenfield sites and seven vacant school premises to 11 school operators between 2007-2008 and 2012-2013 school years for the purpose of expansion or reprovisioning of existing international schools, or establishment of new international schools. Moreover, we have supported three school operators to undergo their in-situ redevelopment project. As a result, there was an increase of 3 600 international school places during this period. The time required for processing these applications depends on a number of factors, including whether the school premises applied for are suitable and available for international school use, whether the

plans for expansion or redevelopment require approval from other departments or authorities (such as the Town Planning Board), whether the applications involve amending the use of land or buildings and the views of the community. We do not have statistics on the average time required in processing these applications. We are aware that a number of international schools are planning or undergoing expansion and/or redevelopment projects. To facilitate international schools in taking forward their plans to redevelop or expand existing international schools, part of the plan in enhancing online resources as referenced to in paragraph (e) above is to set out the works and procedures involved in these projects and have such posted onto a to-be-created designated page for international schools on the Bureau's website.

Annex A

Numbers and percentages of local and non-local students
in ESF and private international schools (excluding special school)
(based on the student enrolment survey conducted in September 2012)

<i>Name of school</i>	<i>Total number of students</i>	<i>Total number of local students (Percentage)</i>	<i>Total number of non-local students (Percentage)</i>
<i>Primary-cum-secondary</i>			
American International School	631	79(12.5%)	552(87.5%)
Australian International School Hong Kong	1 088	86(7.9%)	1 002(92.1%)
Canadian International School	1 684	253(15.0%)	1 431(85.0%)
Carmel School	224	7(3.1%)	217(96.9%)
Chinese International School	1 433	186(13.0%)	1 247(87.0%)
Christian Alliance PC Lau Memorial International School*	721	288(39.9%)	433(60.1%)

<i>Name of school</i>	<i>Total number of students</i>	<i>Total number of local students (Percentage)</i>	<i>Total number of non-local students (Percentage)</i>
Delia School of Canada	1 195	116(9.7%)	1 079(90.3%)
Discovery Bay International School	723	22(3.0%)	701(97.0%)
German Swiss International School (English)*	772	149(19.3%)	623(80.7%)
German Swiss International School (German)*	349	2(0.6%)	347(99.4%)
Harrow International School*	657	211(32.1%)	446(67.9%)
Hong Kong International School	2 621	139(5.3%)	2 482(94.7%)
Hong Kong Academy*	423	18(4.3%)	405(95.7%)
Hong Kong Japanese School	660	1(0.2%)	659(99.8%)
Kellett School*	638	23(3.6%)	615(96.4%)
Kiangsu & Chekiang Primary School and Kiangsu-Chekiang College	752	327(43.5%)	425(56.5%)
Korean International School (English)	315	82(26.0%)	233(74.0%)
Korean International School (Korean)	164	0(0.0%)	164(100.0%)
Lyc'ee Francis International School (English)*	555	57(10.3%)	498(89.7%)
Lyc'ee Francis International School (French)*	1 639	0(0.0%)	1 639(100.0%)
Sear Rogers International School — Peninsula	303	111(36.6%)	192(63.4%)
Singapore International School*	1 070	354(33.1%)	716(66.9%)

<i>Name of school</i>	<i>Total number of students</i>	<i>Total number of local students (Percentage)</i>	<i>Total number of non-local students (Percentage)</i>
<i>Primary</i>			
Beacon Hill School^	538	179(33.3%)	359(66.7%)
Bradbury School^	712	34(4.8%)	678(95.2%)
Clearwater Bay School^	717	30(4.2%)	687(95.8%)
Glenealy School^	357	14(3.9%)	343(96.1%)
Hong Lok Yuen International School	314	100(31.8%)	214(68.2%)
Japanese International School (English)	163	20(12.3%)	143(87.7%)
Japanese International School (Japanese)	498	0(0.0%)	498(100.0%)
Kennedy School^	897	37(4.1%)	860(95.9%)
Kingston International School	241	161(66.8%)	80(33.2%)
Kowloon Junior School^	900	157(17.4%)	743(82.6%)
Lantau International School	251	13(5.2%)	238(94.8%)
Norwegian International School	139	76(54.7%)	63(45.3%)
Peak School^	345	13(3.8%)	332(96.2%)
Quarry Bay School^	715	75(10.5%)	640(89.5%)
Shatin Junior School^	897	0(0.0%)	897(100.0%)
International Montessori School	184	7(3.8%)	177(96.2%)
Think International School	122	73(59.8%)	49(40.2%)
Umah International Primary School	65	5(7.7%)	60(92.3%)
Yew Chung International School	648	324(50.0%)	324(50.0%)
<i>Secondary</i>			
Concordia International School	79	31(39.2%)	48(60.8%)
Island School^	1 215	112(9.2%)	1 103(90.8%)
King George V School^	1 733	95(5.5%)	1 638(94.5%)

<i>Name of school</i>	<i>Total number of students</i>	<i>Total number of local students (Percentage)</i>	<i>Total number of non-local students (Percentage)</i>
Shatin School [^]	1 212	341(28.1%)	871(71.9%)
South Island School [^]	1 415	95(6.7%)	1 320(93.3%)
West Island School [^]	1 193	124(10.4%)	1 069(89.6%)
International College Hong Kong (New Territories)*	207	66(31.9%)	141(68.1%)

Notes:

- (1) Schools operated by the ESF are indicated by (^).
- (2) Schools allocated with vacant school premises or greenfield sites through the School Allocation Exercise launched since 2007 are indicated by (*).

Annex B

Total number of students and the proportion of local and non-local students in international schools from 2010-2011 to 2012-2013 school years

<i>School year</i>	<i>Total number of students (Average fill-up rate⁽¹⁾)</i>	<i>Total number of local students (Percentage to total number of students)</i>	<i>Total number of non-local students (Percentage to total number of students)</i>
<i>Primary</i>			
2012-2013	18 844 (89.2%)	2 619 (13.9%)	16 225 (86.1%)
2011-2012	18 089 (90.2%)	2 392 (13.2%)	15 697 (86.8%)
2010-2011	17 399 (89.9%)	2 319 (13.3%)	15 080 (86.7%)
<i>Secondary</i>			
2012-2013	15 530 (88.5%)	2 074 (13.4%)	13 456 (86.6%)
2011-2012	14 908 (88.4%)	1 789 (12.0%)	13 119 (88.0%)
2010-2011	14 461 (86.8%)	1 428 (9.9%)	13 033 (90.1%)

Note:

- (1) The average fill-up rate refers to the percentage of the total number of students to the total number of school places.

The highest, lowest and median tuition fees
charged by international schools in the 2012-2013 school year

	<i>Tuition fees (HK\$)</i>		
	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
	<i>ESF schools⁽²⁾</i>	<i>Schools allocated with vacant school premises or greenfield sites through the School Allocation Exercise launched since 2007</i>	<i>Other international schools (those neither fall within group (1) nor (2))</i>
<i>Primary</i>			
Highest	66,100	153,700	151,750
Lowest	66,100	73,373	5,800
Median ⁽¹⁾	66,100	113,100	86,000
<i>Secondary</i>			
Highest	102,000	159,800	173,400
Lowest	98,000	109,800	33,600
Median ⁽¹⁾	98,000	134,694	113,440

Notes:

- (1) In deriving the median, the annual chargeable tuition fee for each of the individual grades in the schools concerned is counted once, irrespective of the number of students enrolled.
- (2) ESF primary schools charge uniform tuition fees for all grades.

Provision of Barrier-free Facilities in Schools

9. **DR KENNETH CHAN** (in Chinese): *President, in recent years, mainstream primary and secondary schools (mainstream schools) in Hong Kong have tied in with the policy on integrated education and admitted students with special educational needs (including students with disabilities). Regarding the provision of barrier-free facilities for use by students in the premises of various primary and secondary schools in Hong Kong, will the Government inform this Council:*

- (a) *of the number of premises of mainstream schools in Hong Kong and whether it knows, among such school premises, the respective numbers of those which have been provided with the following barrier-free facilities:*
- (i) *lifts;*
 - (ii) *lifts meeting the standards for use by wheelchair users;*
 - (iii) *ramps for use by wheelchair users;*
 - (iv) *toilets for persons with disabilities that meet the relevant standards;*
 - (v) *barrier-free facilities to assist persons with visual impairment; and*
 - (vi) *barrier-free facilities to assist persons with hearing impairment;*
- (b) *whether mainstream schools are required, in carrying out major alteration or maintenance works in their premises, to install various kinds of barrier-free facilities according to the latest design guidelines relating to barrier-free facilities issued by the Buildings Department; if they are required to do so, of the implementation details; if they are not required to do so, the reasons for that; of the number of school premises in which additional barrier-free facilities were installed in the course of alteration or maintenance works in the past three years, and the details of such works;*
- (c) *if it knows whether there were cases in the past three school years in which students with disabilities were not admitted or forced to change schools because the barrier-free facilities in the schools concerned were inadequate; if there were such cases, of the number of cases in each school year and the details; during the same period, whether there were any students with disabilities seeking assistance from the authorities and organizations such as the Equal Opportunities Commission, and so on, because the barrier-free*

facilities in their schools were inadequate; if there were, of the respective numbers of cases in each school year and the details; and

- (d) *whether the authorities will formulate work plans to comprehensively improve the barrier-free facilities in the premises of all mainstream schools in Hong Kong; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) In the 2012-2013 school year, there are 852 mainstream schools in Hong Kong, amongst which 227 are new schools constructed after 1997. These new schools are in compliance with the prevailing requirement on barrier-free access promulgated by the Buildings Department to facilitate access to buildings and facilities by persons with disabilities. For schools built before 1997, subject to technical feasibility and having regard to the operational needs of individual schools, the Education Bureau has installed in most of them barrier-free facilities, such as lifts, toilets for persons with disabilities and ramps, and so on, through the second and later phases of the School Improvement Programme as well as major conversion or improvement works. The Education Bureau does not keep statistics on the barrier-free facilities of individual schools.
- (b) When major conversion or improvement works are carried out in schools, the Education Bureau will install on their premises the barrier-free facilities needed, such as lifts, toilets for persons with disabilities and ramps, and so on, as far as possible, in accordance with the latest requirement on barrier-free access promulgated in 2008 and other established criteria, such as technical feasibility, urgency for such facilities, availability of alternative measures to solve the inaccessibility problem and availability of funding. In the past three years, apart from other minor works for provision of barrier-free facilities, approval has been given for 29 schools to install lifts as part of their planned conversion or improvement works.

- (c) According to our records, the Education Bureau has not received any cases in which students with disabilities were rejected or forced to change schools because of inadequate barrier-free facilities in the schools concerned in the past three school years (that is, 2010-2011 to 2012-2013 school years).
- (d) Under the Education Bureau's established mechanism for upgrading school infrastructure, schools may carry out repair and improvement works on their school facilities according to their needs in the context of the annual major repair/conversion programme, including provision of barrier-free facilities. In the past three years, 18 schools have been approved to install lifts through this mechanism. In addition, 11 schools will soon be provided with lifts under their major conversion programme.

Utilization Rate of Revitalized Yau Ma Tei Theatre

10. **MR FRANKIE YICK** (in Chinese): *President, the restored Yau Ma Tei Theatre (the Theatre) was officially commissioned in mid-July last year. At present, the Theatre mainly provides performance, rehearsal and training venues for Chinese opera activities. In this connection, will the Government inform this Council:*

- (a) *of the utilization of the auditorium in the Theatre (excluding the two function rooms) from mid-July last year to mid-May this year, set out in the table below; and*

Type of opera	Performance				Informal performance (including on-site rehearsal before performance)				Training			
	Matinee performance		Evening performance		Daytime		Evening		Daytime		Evening	
	Week-day	Week-end	Week-day	Week-end	Week-day	Week-end	Week-day	Week-end	Week-day	Week-end	Week-day	Week-end
Cantonese opera												
Jing opera												
Qun opera												
Others (please specify)												
Total												
Weekday: Monday to Friday												
Weekend: Saturday, Sunday and public holidays												

		Performance (number of performances)				Usage other than performance (number of session(s)) (including on-site rehearsals before performance)			
		Matinee performances		Evening performances		Daytime (Two sessions: 9 am to 1 pm; 2 pm to 6 pm)		Evening (One session: 7 pm to 11 pm)	
		Week-days	Week-ends	Week-days	Week-ends	Week-days	Week-ends	Week-days	Week-ends
Others (please specify)	Cantonese opera excerpts and Cantonese operatic songs	15	16	39	17	44	22	0	0
	Other Chinese operatic performances (such as Nanyin; Chinese operatic music; recitation and chanting of Chinese poetry; Chinese operatic puppet shows)	1	2	10	4	17	6	1	1
	Chinese opera-related activities (such as talks and seminars)	1	4	0	0	3	1	0	0
Total		64	74	134	82	260	116	24	1
		354				401			

Notes:

weekdays: Mondays to Fridays; weekends: Saturdays, Sundays and public holidays

The "Cantonese Opera Young Talent Showcase" at the YMTT, presented by the CAAHK, is to nurture budding artists through training and stage performances. The utilization of the YMTT for training is subsumed under sessions for on-site rehearsals in the above table.

- (b) The utilization of the YMTT has been very satisfactory since its official opening on 17 July 2012. As at mid-May this year, except the days for venue maintenance and improvement works, the Theatre was fully booked in terms of the number of days available for booking, registering a total of 354 performances, and an aggregate attendance of over 66 100.

Law Enforcement Against Illegal Extension of Business Area

11. **MR MICHAEL TIEN** (in Chinese): *President, the Food and Environmental Hygiene Department (FEHD) received 4 955 complaints against illegal extension of business area by restaurants last year, of which 3 645 cases were substantiated. However, the respective numbers of successful prosecutions instituted by the FEHD under sections 31(1)(b) and 34C of the Food Business Regulation (Cap. 132, sub. leg. X) and section 4A of the Summary Offences Ordinance (Cap. 228) were 521, 847 and 894 only. The Office of The Ombudsman, Hong Kong pointed out in its direct investigation report published in March 2013 that the FEHD's law-enforcement actions had been "superficial and produced little results", and that the three-tier appeal mechanism under the "Demerit Points System" (DPS) targeting at the acts of contravention of restaurant licensees was "cumbersome", resulting in the persistence of the problem of illegal extension of business area by restaurants. On the other hand, some members of the public have relayed to me that illegal extension of business area by restaurants not only causes obstruction to pavements and deterioration of the street environment, the noises so created also seriously affect the residents in the neighbourhood. In this connection, will the Government inform this Council:*

- (a) whether the authorities have comprehensively reviewed the law-enforcement procedure and efforts on a regular basis to see if such procedure and efforts are sufficient to combat the problem of illegal extension of business area by restaurants;*
- (b) apart from the aforesaid laws, whether the authorities will consider instituting prosecutions, by invoking other relevant laws, for example, those relating to cleanliness in public places and noise control, against illegal extension of business area by restaurants, so as to impose heavier penalties on the restaurants concerned, thereby enhancing the deterrent effect of law-enforcement actions; and*
- (c) in respect of restaurant licensees who have been repeatedly convicted of the offence of illegal extension of business area, whether the authorities have considered increasing the penalties imposed on them, so as to enhance the deterrent effect (for example, requesting the Court to increase the amount of fines, lowering the maximum accumulated demerit points required under the DPS for*

suspending or cancelling the licence of the restaurant concerned, as well as extending the duration of licence suspension or cancellation)?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the FEHD is vigilant about illegal extension of business area by restaurants and takes enforcement actions in the light of the actual circumstances. On top of regular inspection, the FEHD also takes blitz prosecution from time to time to combat such irregularities. Depending on the circumstances of individual cases, the FEHD may take enforcement action in accordance with the following statutory provisions:

- in cases where licensed restaurants carry on business beyond the confines of their licensed premises, the FEHD may institute prosecutions as appropriate against the licensees concerned under section 34C of the Food Business Regulation (Cap. 132X) for the offence of carrying on a food business otherwise than at the place delineated on the plan, or under section 4A of the Summary Offences Ordinance (Cap. 228) for obstruction of public places.
- for unlicensed restaurants, the FEHD may institute prosecutions as appropriate against the operators concerned under section 31(1)(b) of the Food Business Regulation (Cap. 132X) for carrying on a food business without a licence or under section 4A of the Summary Offences Ordinance (Cap. 228).
- for licensees of restaurants prosecuted and convicted under section 34C of the Food Business Regulation, the FEHD may also suspend or cancel their licences for illegal extension of business area under the DPS for licensed food premises.

The number of prosecutions taken against illegal extension of business area by restaurants and the number of licences suspended or cancelled under the DPS from 2010 to April 2013 are set out in Table 1 and Table 2 respectively.

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

- (a) The FEHD keeps under constant review the effectiveness of the regulatory measures and enforcement actions taken against illegal

extension of business area by restaurants. Recently, the FEHD has introduced the following targeted measures:

- (i) strengthening prosecutions against illegal extension of business area by restaurants in accordance with section 34C of the Food Business Regulation, so that restaurant licensees convicted of the offence would be subject to the penalties under the DPS;
- (ii) stepping up inspections and enforcement actions, and expediting the prosecution process;
- (iii) providing the Court with relevant information, such as conviction records of the restaurants concerned, the number of complaints received and the concerns of District Councils (DCs) for consideration in passing sentences;
- (iv) for food premises situated at black spots where illegal extension of business area is rampant and with records of repeated prosecutions, the FEHD will not issue a provisional licence if the licensee was prosecuted for occupying areas beyond the confines of their premises during the time during the application for a provisional licence;
- (v) if the holder of a provisional licence is found in breach of the requirement to not occupy areas beyond the confines of their premises, the FEHD will cancel the provisional licence if the irregularity is not rectified within a specified period;
- (vi) when imposing penalties on food premises under the DPS, the FEHD will expedite suspension and cancellation of the licences; and
- (vii) when the suspension or cancellation of a licence is pending appeal by a recalcitrant offender, the FEHD will consider not suspending the execution of such a decision so as to prevent the licensee concerned from abusing the appeal mechanism for a delay in the execution of penalties.

After implementation of the above strengthened measures to tackle illegal extension of business area by restaurants, the number of prosecutions instituted by the FEHD against licensed restaurants under section 34C of the Food Business Regulation increased from 639 in 2010 to 1 123 in 2012. Three hundred and sixty-nine prosecutions were instituted in the first four months of this year. The number of restaurants which had their licences suspended or cancelled due to illegal extension of business area also increased from 99 in 2010 to 182 in 2012. There were 70 such cases in the first four months of this year. Complaints related to illegal extension of business area by restaurants dropped from 6 223 in 2011 to 4 955 in 2012, indicating that the regulatory efforts are paying off.

The Ombudsman released a direct investigation report in May on regulatory measures and enforcement actions against illegal extension of business area by restaurants. He recommended that the FEHD should consider taking measures to enhance the effectiveness of enforcement actions and the deterrent effect. The FEHD will proactively follow up on the recommendations made in the report by continuing to implement practicable measures, and carefully considering some of the new recommendations. It will also mobilize its existing resources to introduce the following new measures in phases at locations of serious non-compliance with a view to further combating such irregularities:

- (i) in cases where a restaurant is prosecuted for illegal extension of business area after it has submitted a licence application, the FEHD will extend the observation period and only consider issuing the licence if no further offence of the same kind was committed in the period;
- (ii) after a provisional licence is granted, the FEHD will immediately cancel a provisional licence without warning if premises are found to have breached the licensing requirement to not occupy areas beyond the confines of the premises; and

- (iii) in the situations mentioned in paragraphs (i) and (ii) above, the FEHD will take prosecution actions and consider applying for court orders under section 128B of the Public Health and Municipal Services Ordinance (Cap. 132) to close the premises if business continues on the premises without a licence.

To strengthen support for districts, the FEHD has also set up a task force on pilot basis with existing resources. Tsuen Wan has been selected as a pilot spot where the task force will take enhanced enforcement actions by increasing the number of prosecutions as appropriate and effecting arrest and seizure of paraphernalia subject to availability of resources.

The FEHD will continue to closely review the effectiveness of various measures and will roll out new ones as and when necessary to combat illegal extension of business area by restaurants more effectively.

- (b) The FEHD is empowered by the Public Health and Municipal Services Ordinance and its subsidiary legislation to regulate food premises. To enhance the deterrent effect and efficiency in law enforcement, the FEHD will actively follow up on the recommendations put forth by The Ombudsman and adopt more targeted measures to enhance enforcement effectiveness. If the FEHD officers in discharging their enforcement duties detect any noise problem and other irregularities in connection with illegal extension of business areas by restaurants, the cases will be referred to the relevant departments for follow-up action.
- (c) Licensees of restaurants in breach of the requirement under section 34C of the Food Business Regulation will be liable to a maximum fine of \$10,000 and imprisonment for three months with an additional daily fine of \$300 upon conviction. The FEHD will continue to provide the Court with additional information such as conviction records, number of complaints received and the concerns of the DCs for consideration in passing sentences, with a view to enhancing the deterrent effect and the effectiveness of enforcement

actions for curbing illegal extension of business area by restaurants. Under the DPS, the prescribed demerit points for a particular offence will be doubled and trebled respectively if the same offence is committed for the second and the third time within a period of 12 months. The existing penalty level should be sufficient as an effective deterrent.

Table 1

Number of prosecutions instituted by the FEHD
against illegal extension of business area by restaurants from 2010 to April 2013

<i>Number of Prosecutions under the relevant provisions</i>	Year			
	2010	2011	2012	2013 (up to end April)
Under section 34C of the Food Business Regulation (Cap. 132X)	639	871	1 123	369
Under section 31(1)(b) of the Food Business Regulation (Cap. 132X)	226	392	1 018	616
Under section 4A of the Summary Offences Ordinance (Cap. 228)	1 556	1 736	1 115	437

Table 2

Number of licences suspended or cancelled by the FEHD
for illegal extension of business area by restaurants under the DPS

<i>Number of licences suspended or cancelled</i>	Year			
	2010	2011	2012	2013 (up to end April)
Licences suspended	90	85	145	51
Licences cancelled	9	9	37	19
Total	99	94	182	70

Tin Sau Bazaar

12. **MISS ALICE MAK** (in Chinese): *President, the Tung Wah Group of Hospitals Tin Sau Bazaar (Tin Sau Bazaar) in Tin Shui Wai (TSW), which is set up with the facilitation of the Government and under the operation and management of the Tung Wah Group of Hospitals (TWGHs), has commenced operation for nearly four months. It has been reported that the business of the stalls in the Bazaar is dull owing to the unsatisfactory conditions of its infrastructure and ancillary facilities (for example, problems of serious accumulation of water at the site after heavy rain, insufficient power supply and inadequate publicity, and so on). In this connection, will the Government inform this Council:*

- (a) *whether it knows (i) the respective numbers of stalls which have been rented out and left vacant, (ii) the total patronage and average weekly patronage, (iii) the average weekly turnover of each stall, (iv) the respective numbers of stall operators who have surrendered their tenancy and those who will do so soon, and (v) the number of stalls which have been surrendered and rented out again, since Tin Sau Bazaar has commenced operation;*
- (b) *as the Architectural Services Department (ArchSD) started to install additional surface channels in Tin Sau Bazaar in April this year, whether the authorities have assessed the impact of such works on the stall operators; of the number of stall operators who needed to suspend business while the works were in progress; whether the authorities have arranged any temporary venues for them to display and sell their goods, as well as granted them rental waiver/reduction or compensation; if they have, of the details; if not, the reasons for that;*
- (c) *whether the Home Affairs Department has discussed with the TWGHs and the Yuen Long District Council since April this year the further enhancement of the ancillary facilities in Tin Sau Bazaar (for example, laying floor tiles, beautifying the stalls, and so on); if it has, of the details; if not, the reasons for that; and*
- (d) *of the details of the publicity efforts made by the Government for Tin Sau Bazaar in the past half year (including the expenditure and*

manpower involved); the details of the publicity efforts to be made by the Government in the coming 12 months (including whether it will step up publicity efforts and organize more activities to attract patronage to the Bazaar, as well as the projected expenditure and manpower involved)?

SECRETARY FOR HOME AFFAIRS (in Chinese): President, Tin Sau Bazaar is operated by the TWGHs on a non-profit-making basis. The objective of the Bazaar is to provide more shopping choices for local residents, develop the local economy and create local employment.

There are 152 stalls in the Bazaar for renting to individuals on a monthly basis, as well as 30 stalls for renting to organizations and four stalls operated by TWGHs. The stalls for individuals cover 27 specialty trades that meet the needs of the community, as well as those selling clothing and footwear, foodstuffs and grocery items, and so on.

Regarding the four parts of the question, the reply is as follows:

- (a) All 182 stalls in the Bazaar have been rented out successfully. According to the statistics of the TWGHs, as at 23 May, the total patronage was about 252 800 and the average weekly patronage was about 15 800 during a period of 109 business days (around 16 weeks) since the Bazaar commenced operation on 1 February this year. There are generally more visitors to the Bazaar during the weekends than on weekdays. As the stall operators have not submitted any data on their turnover to the TWGHs, we do not have any information in this regard. As at 23 May, a total of three stall operators, who rented the stall on individual basis, had surrendered their tenancy. The TWGHs is making arrangement for the applicants on the waiting list to rent the three stalls.
- (b) To improve the capacity of rainwater disposal in the Bazaar, the ArchSD had installed about 30 additional drainage points on site in early April 2013. The ArchSD has also started to install an additional surface channel at each major aisle and carry out corresponding local floor levelling since late April. The installation works for additional surface channels are carried out by three phases,

with the first phase completed in early May. The second and third phases are expected to complete before July. When the black rainstorm signal was in force on 22 May, no flooding occurred in the Bazaar and the situation of excessive accumulation of water had significantly improved, showing that the works have achieved the purpose of rainwater disposal.

The ArchSD and the TWGHs have carefully assessed the effect of the drainage improvement works on the stall operators before implementation. For safety reasons, the TWGHs has arranged the stall operators in the affected areas to suspend business during the works. It has also granted rental waiver for the period of suspension plus two additional days to all affected stall operators.

- (c) The TWGHs and the Government have been closely monitoring the operation of the Bazaar, and have been listening to the requests and views of stall operators, District Council members and other stakeholders. For instance, views were collected through regular liaison meetings with the stall operators of the Bazaar, while TWGHs' staff, including social worker stationed at the Bazaar, listen to opinions and provide the stall operators with assistance. At present the patronage of the Bazaar and its attractiveness to consumers in both Tin Shui Wai and other districts have room for improvement. Details of the enhancement measures and the assistance provided by government departments are set out below:
- (i) As mentioned above, the ArchSD has been carrying out installation works for additional surface channels to improve the capacity of rainwater disposal in the Bazaar.
 - (ii) To improve the shading in the Bazaar, the TWGHs has installed 13 large sun umbrellas on site since early April this year. It is now exploring the installation of curtains at the stalls.
 - (iii) The TWGHs is considering the purchase of large outdoor fans for improving the comfort of shoppers during the summer.
 - (iv) The TWGHs has worked with the power company to enhance power supply for about 60 stalls by reallocating electricity and

planned to enhance the power supply of remaining stalls. The TWGHs will closely monitor the change in power consumption on site and apply to the power company for additional cables if necessary.

- (v) In response to requests for selling chilled/frozen meat in the Bazaar, the TWGHs has applied to the Food and Environmental Hygiene Department for a Fresh Provision Shop Licence with a view to introducing chilled/frozen meat stalls. The application is now being processed.
- (vi) The TWGHs has secured the consent of the MTR Corporation Limited (MTRCL) to display directional signs for the Bazaar in the nearby railway stations. The location of the Bazaar has been shown on the maps in Tin Shui Wai Station of the West Rail (WR), as well as in Tin Sau and Tin Yat Stations of the Light Rail (LR). The MTRCL has also displayed directional signs for the Bazaar at the entrances and exits of Tin Sau LR stations and will display directional signs at the entrances and exits of Tin Yat Station in due course.

The TWGHs will continue to gather proposals on the enhancement of the ancillary facilities in the Bazaar through various channels and consider them. Government departments will also continue to provide appropriate assistance in this regard.

- (d) As regards publicity, the TWGHs has put up publicity banners near the Bazaar and on various streets in Tin Shui Wai. It has also applied to the Leisure and Cultural Services Department for putting up such banners in Tin Sau Road Park. Besides, the TWGHs distributes promotional leaflets at locations with high pedestrian flow, such as shopping arcades close to the Bazaar, WR and LR stations, major bus stops, and so on, to promote the products and specialty stalls of the Bazaar; and posts promotional posters at the housing estates in the district. The TWGHs will advertize the Bazaar on buses and through promotional videos to be broadcast inside the buses. Upon completion of the relevant improvement works, the TWGHs will invite the media to report on the Bazaar. The TWGHs is responsible for the above publicity efforts and the related expenditure.

Since late March, the TWGHs has organized the "Tin Sau Arts Fair" with booths of handicrafts and games every Saturday with a view to attracting more visitors. Customers who have spent \$10 or more in the Bazaar may take part in the "Arts Fair" for free. Furthermore, the TWGHs organized two training workshops on business skills in April to enhance the related skills of the stall operators. A total of 141 stall operators attended the two workshops. The TWGHs will continue to organize different seminars on the retail market in order to sharpen stall operators' understanding of the market and the procurement of more competitive products with a view to attracting customers.

Since February this year, the TWGHs and the Yuen Long District Office (YLDO) have held various community involvement activities respectively in the Bazaar and the adjacent Tin Sau Road Park to attract and engage the local residents. In respect of the YLDO, the community involvement activities concerned have been planned previously. Now that the Bazaar or Tin Sau Road Park is being selected as the venue for holding the activities, no additional expenditure or manpower is involved. One of the community involvement activities held by the YLDO was the "Yuen Long District Youth Festival Kick-off Ceremony 2013" at Tin Sau Road Park on 5 May. The YLDO also plans to organize activities such as the opening ceremony of "Colourful Life@Yuen Long" and "Tin Shui Wai North Area Committee Healthy Living Carnival cum Prize Presentation Ceremony" at the same venue later this year.

The TWGHs and the Government hope to attract more visitors to the Bazaar through the abovementioned enhancement measures and improve the operating environment of the Bazaar as well as the business skills of the stall operators. The TWGHs and the Government will continue to closely monitor the operation of the Bazaar.

Cremation of Pet Carcasses

13. **MR JAMES TO** (in Chinese): *President, at present, if members of the public do not wish to send the carcasses of their pets to the landfills for disposal like refuse, they need to use pet carcass cremation services provided by pet*

funeral service companies. Since such services are usually located in commercial/residential or industrial buildings without any regulation, cremation of pet carcasses has generated environmental hygiene and air pollution problems, thus causing nuisances to residents in the neighbourhood. In view of this, the Food and Environmental Hygiene Committee of the Yau Tsim Mong District Council last year urged the Government to introduce legislation to regulate such activities. In this connection, will the Government inform this Council:

- (a) whether it has compiled statistics on the approximate number of households in the territory which are currently keeping pets, the respective numbers of such households keeping cats, dogs and other pets, as well as the respective numbers of cats, dogs and other pets kept by such households; if so, of the statistics;*
- (b) of the number of animal carcasses collected at refuse collection points and, among them, the respective numbers of those of dogs, cats and other animals, in each year from 2009 to 2012 and the first quarter of this year;*
- (c) whether it knows the current number of pet funeral service companies in the territory which provide pet carcasses cremation and handling services, the districts and types of buildings in which such companies are mainly located, and the number of animal carcasses they cremate each year;*
- (d) of the total current number of "specified process" licences (applicable to cremators of an installed capacity exceeding 0.5 tonne per hour) issued under the Air Pollution Control Ordinance (Cap. 311) (APCO) for cremators and, among such licences, the number of those issued for pet carcass cremators; whether the authorities had, in the past five years, conducted sample tests on the exhaust of such pet carcass cremators to determine if the exhaust contained any harmful substances such as dioxins; if they had, of the outcome; if not, the reasons for that; whether it will investigate if the operations of those pet carcass cremators located in commercial/residential and industrial buildings have caused air pollution;*

- (e) *of the number of complaints received by the authorities relating to pet funeral service companies, the major contents of such complaints and the districts where the companies under complaint were mainly located, as well as the number of such complaints involving breaches of the relevant legislation on fire safety, environmental hygiene, air pollution or land use, in each of the past five years;*
- (f) *whether the services currently provided by the Government for the scattering of cremated human ashes at sea or in Gardens of Remembrance include services for scattering cremated pet ashes; if not, whether it will consider the addition of such services;*
- (g) *whether it has studied the legislation and approaches of overseas places for regulating the handling and cremation of pet carcasses; if so, whether the operations of such cremation are sited in annexes to facilities for cremation of human remains, and of the details; if not, whether the Government will consider conducting such a study; and*
- (h) *given that some members of the public have pointed out that there is currently a rising trend in the demand for pet carcass cremation services in Hong Kong, and the cremation processes cause nuisances to the densely populated communities, whether the authorities will consider afresh introducing legislation on pet carcass cremation services, so as to regulate such processes through a licensing system; whether they will, in the process of land use planning, identify suitable sites for provision of public pet carcass cremation services, so as to reduce the nuisances and health problems caused to residents by pet carcass cremation services?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, at present, the relevant government departments may, according to their respective mandate, inspect premises where pet cremation and hospice services are provided to check compliance with the relevant legislation and requirements, including the Public Health and Municipal Services Ordinance (Cap. 132), the APCO, the Fire Services Ordinance (Cap. 95), the Dangerous Goods Ordinance (Cap. 295) and the land leases, and so on.

If the Food and Environmental Hygiene Department (FEHD) receives complaints about sanitary nuisance emanating from premises where pet cremation service is provided, their staff will inspect the premises concerned and take enforcement actions under the Public Health and Municipal Services Ordinance (Cap. 132) as necessary. On receiving complaints about black smoke or odour emitted in the process of cremating pet carcasses, the Environmental Protection Department (EPD) will carry out inspections and take enforcement actions according to the APCO as necessary. The Fire Services Department (FSD) will conduct inspections and take necessary enforcement actions pursuant to the Fire Services Ordinance (Cap. 95) and the Dangerous Goods Ordinance (Cap. 295). For substantiated complaints about breaches of lease conditions, the Lands Department (LandsD) will take appropriate lease enforcement actions.

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

- (a) According to the findings of the Thematic Household Survey on keeping of dogs and cats conducted by the Census and Statistics Department from October to December 2010, some 249 400 households were keeping dogs or cats, representing 10.6% of all households in Hong Kong. Among them, 4.1% (97 100 households) and 7.1% (166 500 households) were keeping cats and dogs respectively.

Of those 166 500 households keeping dogs, 72.8% kept one dog, 17.5% two dogs, and the remaining 9.8% three or more. The total number of dogs being kept was 247 500.

Of those 97 100 households keeping cats, 61.4% kept one cat, 23.4% two cats, and the remaining 15.1% three or more. The total number of cats being kept was 167 000.

The Administration does not have information on other pets kept by members of the public.

- (b) Between 2009 and March 2013, the FEHD collected a total of 40 469 animal carcasses from its refuse collection points, with breakdown as follows:

Number of dog carcasses	27 106
Number of cat carcasses	12 787
Number of carcasses: other animals (including rabbits, tortoises, hamsters and snakes, and so on)	576

- (c) According to information available to the Administration, more than 10 local pet cremation service operators exist in the market place. Most of them operate in industrial buildings while some are accommodated in commercial buildings or the rural areas. The total number of animal carcasses cremated by these operators each year is not available to the Administration.
- (d) Under the APCO, there are five incinerators in Hong Kong that have been granted a "specified process" licence issued by the EPD. None of them is used for cremating animal carcasses. The facilities currently used for cremating animal carcasses in Hong Kong are generally of a small scale with a capacity that is below the threshold for a "specified process" incinerator regulated under the APCO (that is, 0.5 tonne per hour). As such, the composition of the air emissions from these facilities is not subject to compliance test. Nevertheless, by virtue of the regulatory requirements in the APCO, air emissions from these facilities should not cause air pollution or nuisance to nearby inhabitants. Between 2009 and March 2013, as a result of inspections to follow up complaints about pollution, the EPD instituted five prosecutions as part of the enforcement actions taken against facilities which had violated the APCO.
- (e) From January 2009 to March 2013, the EPD, the FEHD, the LandsD and the FSD received 41, 21, 28 and 10 complaints respectively in relation to the operation of pet cremation service. Most of the complaints were about emission of smoke or odour, sanitary nuisance, possible breach of lease conditions and suspected presence of dangerous goods. The complaints were mainly directed at premises located in Kowloon Bay, Kwun Tong, Kwai Chung and Yau Tsim Mong, and so on.
- (f) The services provided by the Government for the scattering of cremains at sea or in Gardens of Remembrance do not cover pet cremains. We have no plan to add a service for the scattering of pet cremains.

- (g) According to the information we have collected, services provided in overseas countries for the disposal of human remains are usually separated from those for animal remains. Animal remains will either be disposed of by the animal owners themselves or by commercial operators. For animal remains, the disposal method may include cremation, burial, delivering to landfills, or decomposing into composting materials or materials for other uses. The choice of disposal method is for the animal owners to decide. In the United States and Canada, it may be necessary for animal cremators to obtain approval for gas emission/waste disposal from the environmental departments at the state, provincial or city level; while in the United Kingdom, cremation of animal remains must be carried out on premises approved by the authority concerned.
- (h) As in other trades, operators of pet crematories have to comply with the relevant legislation and lease conditions. We are of the view that the existing legislation (including the Public Health and Municipal Services Ordinance (Cap. 132), the APCO, the Fire Services Ordinance (Cap. 95) and the Dangerous Goods Ordinance (Cap. 295)) is adequate for regulating the air pollution and public health issues that may arise from the operation of pet cremators. The Administration has no plan to set up a separate licensing system.

In general, pet carcasses are not regarded as clinical waste. Provided that basic personal hygiene measures are taken, the risk of disease transmission through pet carcasses is very low. Infectious diseases of pets that are of serious concern to public health are uncommon. When bringing pet carcasses to the FEHD for disposal, pet owners or the relevant organizations should wrap up the pet carcasses properly in bags and deliver them to the refuse collection points managed by the FEHD. The pet carcasses will be safely disposed of as other municipal solid waste at landfills, which are well designed in engineering terms to guard against ground water and other contamination. We consider such practices acceptable from the perspective of public health. Therefore, the Government has no plan to provide public cremation services for pets.

Refuse Collection Vehicles

14. **MR KWOK WAI-KEUNG** (in Chinese): *President, at present, the refuse collection services in the territory are provided by the Food and Environmental Hygiene Department (FEHD), cleansing contractors (contractors) engaged by the FEHD, and other private companies. Although the FEHD has put in place established guidelines and contract provisions to ensure respectively its refuse collection vehicles (RCVs) and those of its contractors being kept in a clean and hygienic condition, some members of the public still complain to me about the impact of RCVs on environmental hygiene. In this connection, will the Government inform this Council:*

- (a) *whether it knows the respective numbers of RCVs owned by the FEHD, its contractors and other private companies in each of the past five years, together with a breakdown by whether they were fitted with a packer plate to cover the rear refuse hopper or of an enclosed type design; whether the authorities have plans to provide financial assistance for contractors and other private companies to replace the RCVs fitted with a packer plate with those of an enclosed type design;*
- (b) *of the number of complaints about RCVs received by the authorities in the past five years, together with a breakdown by the contents of the complaints (such as dripping of foul water and emission of odour); of the follow-up actions taken by the authorities on the relevant complaints;*
- (c) *of the number of cases in which contractors were penalized in the past five years for breaching the contract provisions on hygiene and operational requirements for RCVs, together with a breakdown by the type of breach and punitive action; whether it has considered updating the relevant contract provisions in order to raise the hygiene requirements for RCVs and strengthen the regulation of their operation;*
- (d) *whether the authorities have demarcated parking spaces on the roads exclusively for RCVs; if so, of the number of such parking spaces, together with a breakdown by District Council district; whether the authorities have assessed the adequacy of such parking*

spaces; whether it has plans to increase the number of such parking spaces; if not, of the reasons for that; and

- (e) *given that I have received complaints from members of the public about the odours emitted by some RCVs parked at roadsides at night in the vicinity of their residence impacting on environmental hygiene, whether currently there is any relevant guideline or legislation stipulating that the parking location of an RCV should not be too close to residential areas; if so, of the details; if not, whether the authorities will consider imposing restrictions on the parking locations of RCVs?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Environment Bureau is responsible for environmental protection, waste disposal policies and waste pollution control.

The Environmental Protection Department (EPD) works with the waste disposal trade to ensure that their operations are carried out in a safe and environmentally hygienic manner. In 2012, the EPD compiled the Code of Practice on the Operation of Refuse Collection Vehicles in collaboration with the waste disposal trade and relevant government departments. The Code of Practice aims to provide general operational guidelines for the trade and practitioners in respect of environmental protection and hygiene as well as occupational safety and health, with a view to abating the environmental nuisance and hygiene problems that may be caused by the operation of RCVs.

One of the key tasks of the FEHD is to collect household waste. RCVs run by the FEHD and its contractors collect about 85% of municipal solid waste generated by households. The remaining municipal solid waste from households (about 15%) and commercial and industrial municipal solid waste are collected by privately run RCVs. Currently, RCVs run by the FEHD and its contractors account for about half of all RCVs.

The FEHD reviews from time to time the adequacy of the relevant guidelines and contract provisions, for the purpose of ensuring that its RCVs and those of its contractors are kept in a clean and hygienic condition.

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

- (a) Based on the records of the FEHD and the Transport Department (TD) for the past five years, the table below gives the number of RCVs that are run by the FEHD and its contractors and the number of RCVs that do not belong to the FEHD or its contractors and are privately run:

<i>Year</i>	<i>Number of RCVs run by the FEHD</i>	<i>Number of RCVs run by FEHD's contractors</i>	<i>Number of private RCVs not belonging to the FEHD or its contractors</i>
2008	160	117	246
2009	149	122	233
2010	153	125	212
2011	147	128	233
2012	138	129	245

At present, all the RCVs of the FEHD are either fitted with a packer plate that covers the rear refuse hopper (nine vehicles) or of the type with an enclosed design (129 vehicles). All the RCVs currently fitted with a packer plate will be replaced by those with an enclosed design by the end of 2013.

Furthermore, all RCVs run by the FEHD's contractors must be fitted with a tailgate cover to prevent the emission of odour. To further improve the situation, contractors are required to use RCVs with an enclosed design as stipulated in refuse collection service contracts commencing in or after May 2011. Currently, 110 RCVs of the FEHD's contractors are of the type with an enclosed design. Vehicles not of such a design will be replaced accordingly upon the renewal of contracts.

For private RCVs not belonging to the FEHD or its contractors, the EPD and the TD do not further classify them by type (that is, those fitted with a packer plate that covers the rear refuse hopper as opposed to those of the type with an enclosed design). In 2011, the EPD launched the Trial Scheme on Retrofitting RCVs in

collaboration with the waste collection trade. A total of eight waste collection companies participated in the trial scheme. The retrofitting works included changing the participating RCVs into the type with an enclosed design by installing a metal tailgate cover and replacing the waste hopper with an enlarged sump tank. After testing and trial use, most of the participants were satisfied that such an enclosed design could effectively reduce environmental pollution and nuisance. The EPD will continue to urge the waste collection trade to carry out similar retrofitting works on existing RCVs and purchase enclosed models in procuring new vehicles.

(b) and (c)

To keep the RCVs clean and uphold environmental hygiene, the FEHD has installed sump tanks in all RCVs to trap leachate. Besides, 132 of the 138 RCVs have been installed with deodorizing systems in the loading compartments. Similar installation work for the remaining six will be completed in 2013.

It is also stipulated in the FEHD's refuse collection service contracts that the contractors' RCVs must be installed with sump tanks at the bottom of the vehicles and that the contractors have to take all necessary preventive measures against dripping of leachate during refuse loading, unloading and transportation.

Moreover, after the refuse is unloaded at refuse transfer stations or landfills, RCVs of the FEHD and its contractors will empty their sump tanks and have their vehicle bodies and/or wheels washed before departure, using vehicle washing equipment available on site. These RCVs have to undergo the washing process again after the daily collection work is finished or when they return to the depots. The FEHD reminds its staff from time to time that RCVs must be kept in a clean and hygienic condition, and washed properly every day in accordance with the relevant guidelines.

The number of complaints received by the FEHD over the past five years concerning RCVs dripping leachate, dropping waste and emitting odour is given below (the figures do not include complaints

that were received and acted on by other government departments (such as the EPD) and thus not referred to the FEHD):

Number of complaints concerning dripping of leachate

<i>Year</i>	<i>Number of RCVs run by the FEHD</i>	<i>Number of RCVs run by the FEHD's contractors</i>	<i>Number of private RCVs not belonging to the FEHD or its contractors</i>	<i>RCVs not identified in the complaint</i>	<i>Total</i>
2008	5	6	18	30	59
2009	5	8	27	44	84
2010	5	7	33	48	93
2011	1	11	37	37	86
2012	2	14	39	32	87

Number of complaints concerning dropping of waste

<i>Year</i>	<i>Number of RCVs run by the FEHD</i>	<i>Number of RCVs run by the FEHD's contractors</i>	<i>Number of private RCVs not belonging to the FEHD or its contractors</i>	<i>RCVs not identified in the complaint</i>	<i>Total</i>
2008	0	1	4	1	6
2009	0	2	5	14	21
2010	0	1	7	10	18
2011	1	4	5	2	12
2012	1	1	8	7	17

Number of complaints concerning emission of odour

<i>Year</i>	<i>Number of RCVs run by the FEHD</i>	<i>Number of RCVs run by the FEHD's contractors</i>	<i>Number of private RCVs not belonging to the FEHD or its contractors</i>	<i>RCVs not identified in the complaint</i>	<i>Total</i>
2008	1	0	9	15	25
2009	2	1	14	27	44

<i>Year</i>	<i>Number of RCVs run by the FEHD</i>	<i>Number of RCVs run by the FEHD's contractors</i>	<i>Number of private RCVs not belonging to the FEHD or its contractors</i>	<i>RCVs not identified in the complaint</i>	<i>Total</i>
2010	2	4	16	24	46
2011	3	3	13	19	38
2012	3	11	17	14	45

If the FEHD finds any contractor in breach of contract provisions on the requirements for and operation of RCVs, it will take punitive actions accordingly, which may include the issuance of verbal warnings, written warnings and default notices. The monthly amount payable to the contractors who have received default notices will be deducted in the light of the breaches. The table below gives the number of verbal warnings, written warnings and default notices issued by the FEHD, over the past five years, to contractors in breach of contract provisions on the requirements for and operation of RCVs (that is, leachate dripping from RCVs and filthy RCVs):

<i>Year</i>	<i>Number of verbal warnings</i>	<i>Number of written warnings</i>	<i>Number of default notices</i>
2008	10	2	2
2009	9	1	2
2010	9	8	2
2011	18	3	5
2012	24	5	3

The FEHD will review the contract provisions on the requirements for and operation of the contractors' RCVs from time to time to ensure that their cleanliness and sanitary condition are effectively monitored.

The number of prosecutions instituted by the FEHD over the past five years concerning RCVs dripping leachate or dropping waste is given below:

<i>Year</i>	<i>Number of prosecutions for dripping of leachate</i>	<i>Number of prosecutions for dropping of waste</i>
2008	0	2
2009	0	0
2010	3	1
2011	11	2
2012	14	2

(d) and (e)

At present, parking spaces for exclusive use by the FEHD's RCVs as designated by the TD in accordance with the relevant road traffic legislation are mainly for temporary use by such vehicles for collection of refuse in areas nearby. Under normal circumstances, when designating parking spaces for exclusive use by RCVs, the TD will take into account the traffic conditions of individual locations, and consult the local community on the proposals through the respective District Offices. The number of parking spaces for exclusive use by the FEHD's RCVs is as follows:

<i>District</i>	<i>Number of parking spaces for exclusive use by the FEHD's RCVs</i>
Central & Western	6
Southern	2
Eastern	1
Wan Chai	4
Kowloon City	4
Kwun Tong	3
Sham Shui Po	7
Yau Tsim Mong	2
Wong Tai Sin	4
Islands	0
Kwai Tsing	2
North	21
Sai Kung	21
Sha Tin	20
Tai Po	6
Tsuen Wan	8
Tuen Mun	1
Yuen Long	11

The FEHD's RCVs must return to the department's premises for parking after the refuse collection work is finished.

When parking at non-designated roadside parking spaces, RCVs not belonging to the Government should comply with the requirements of the relevant road traffic legislation and park at parking spaces which they are allowed to use. As mentioned above, RCVs may also be parked at locations allowed to be used for the purposes concerned other than roads, such as short-term tenancy car parks available for use by these vehicles.

As stated in paragraph 1 above, the EPD compiled the Code of Practice on the Operation of Refuse Collection Vehicles in collaboration with the waste disposal trade and relevant government departments in 2012. The Code of Practice aims to provide general operational guidelines for the trade and practitioners in respect of environmental protection and hygiene as well as occupational safety and health, with a view to abating environmental nuisance and hygiene problems that may be caused by the operation of RCVs. Among other things, the Code of Practice requires that the driver should, as far as practicable, park the vehicle in parking places or car parks far away from residential buildings, thereby avoiding causing nuisance to nearby residents.

Impact of a Ban on Import of Waste by Mainland Authorities

15. **MR TONY TSE** (in Chinese): *President, it has been reported that the Mainland customs launched the Operation Green Fence (OGF) in February this year to tighten up the testing standards for imported waste and to ban the import of all waste which may pollute the environment such as used clothing, electronic waste, plastic waste, and so on. As a result, a large quantity of waste to be exported and re-exported from Hong Kong has been stranded here, causing great pressure to Hong Kong's waste recyclers and landfills. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed the quantity of waste stranded in Hong Kong as a result of the import ban imposed by the Mainland customs since*

the launching of the OGF; if it has, of the respective quantities of waste piled up at recycling yards and sent to landfills for disposal, with a breakdown by type of waste, as well as the percentages of the quantities of various types of waste in the total quantities of the corresponding types of waste in 2012; if not, the reasons for that, and whether it will seek information from the recyclers on the situation of stranded waste in Hong Kong;

- (b) whether the authorities had, prior to the launching of the OGF by the Mainland customs, assessed the impact of the operation on Hong Kong, and whether they had discussed the issue with the relevant Mainland authorities; if they had, of the assessment and discussion results, the counter measures to cope with the situation and the discrepancy between the assessment results and the prevailing actual situations; if they had not, the reasons for that, and whether they have reviewed if the foresight and alertness of the authorities are inadequate;*
- (c) whether it has assessed if the waste stranded in Hong Kong as a result of the import ban imposed by the Mainland customs will continue to increase; if the assessment result is in the affirmative, of the respective growth rates of various types of waste; if the assessment result is in the negative, the reasons for that; and*
- (d) whether it has assessed the impact on Hong Kong of the continuous increase in the waste stranded in Hong Kong; if it has, of the assessment results and the counter measures to cope with the situation, and whether it will discuss the issue with the relevant Mainland authorities; if it has not, the reasons for that, and whether it will make an assessment as soon as possible?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The Mainland law-enforcement agencies have launched the OGF since February 2013. In April this year, the General Administration of Customs and the Ministry of Environmental Protection of the Mainland met with the Environmental Protection Department (EPD)

and the Customs and Excise Department and briefed them on the objectives and requirements of the OGF. It is noted that the Mainland law-enforcement agencies have, pursuant to existing national legislations concerning control over the import and export of waste, stepped up interception of any waste (such as "foreign waste") which is unlawfully imported and may pollute the environment. To strictly implement the relevant national standards, they have also inspected recycled and reusable waste imported into the Mainland. Recycled and reusable materials meeting the national standards will not be affected and can be imported into the Mainland as usual.

The EPD is closely monitoring the handling and return shipment of unlawfully imported waste by the Mainland. It has also actively followed up on the processing arrangements for waste returned to Hong Kong. As at end May this year, the EPD has received one report from the Mainland regarding waste aluminum (20 tonnes) returned to Hong Kong after import was rejected by the Mainland. Follow-up action is being taken to ensure that such waste will be processed lawfully.

The EPD is also closely monitoring waste disposal at landfills in parallel to ensure that waste imported into Hong Kong is not disposed of at landfills. From March to end May this year, about 70 tonnes of plastic waste were delivered to landfills. After thorough examination, the EPD found that such waste was generated locally and unsuitable for recycling due to its mixture with other waste and serious contamination. It was disposed of eventually.

- (b) Generally speaking, relevant agencies will not give prior notification of their enforcement action. However, after the launch of the OGF, the EPD has met with the relevant departments of the Mainland and has maintained a close dialogue with the local recycling trade. The EPD has disseminated the official messages from the Mainland to local recyclers so as to help them meet the relevant import standards and requirements. In addition, to prevent imported waste from being stranded in Hong Kong in case of return shipment, the EPD

wrote to various shipping companies in March this year to remind them to comply with local legislations concerning the import and export of waste and with the relevant requirements on return shipment.

(c) and (d)

We understand that in the short term some of the waste for transshipment and import into the Mainland via Hong Kong may be stranded here briefly due to the enforcement action by the Mainland. However, in response to the restrictions on import into the Mainland, the industry is reducing its import of waste into Hong Kong and changing the operation of waste recycling and processing. At the same time it is identifying other outlets for processing of the waste. Therefore, we believe that the overall volume of waste to be deposited in Hong Kong will not increase continuously in the long run.

Regarding the recycled materials collected locally, the EPD is also closely monitoring the recovery of materials at residential estates as well as commercial and industrial buildings and maintaining close liaison with the property management sector. If individual estates or buildings have difficulty in finding an outlet for recovered materials, the EPD will help them identify suitable recyclers or contact Yan Oi Tong EcoPark Plastic Resources Recycling Centre so as to ensure that these buildings can continue with source separation of waste. At the same time, the EPD will continue to keep contact with relevant departments in the Mainland to understand the latest development of the OGF. As the OGF mainly targets at sub-standard waste and waste which is banned from import into the Mainland, the lawful import of non-contaminated recyclables from Hong Kong into the Mainland will not be affected. Although we anticipate that some of the recycled materials may fail to meet the Mainland's standards for import due to their mixture with other waste and contamination, thus causing a slight increase in the waste delivered to landfills, the EPD is closely monitoring the market trends and will continue to maintain close liaison with the recycling industry and monitor its operation. The Government will also step

up publicity and education to raise the awareness of the recycling industry and the public that recyclables cannot be mixed with other waste and that waste should be separated carefully.

Code on Access to Information

16. **MR CHARLES PETER MOK** (in Chinese): *President, according to the Code on Access to Information (the Code) promulgated by the authorities in 1995, members of the public may make requests to various bureaux or departments under the Code for access to the information held by the Government. However, the Code does not have legal effect, has never been amended, and does not apply to all public organizations. Furthermore, some members of the public have complained that the Government has rejected their requests for access to information without giving any reasons, and the criteria for determining whether or not to accede to such requests are vague. It is therefore difficult to safeguard transparency of information, and members of the public have difficulties in monitoring the use of public funds and conducting academic studies or research and development. It has been reported that in 2011 and in the first nine months of 2012, 52 and 43 requests for access to information made under the Code were rejected respectively, and the reasons most commonly given are, in order of frequency, "third party information" (35 cases), "legal restrictions" (13 cases), "privacy of the individual" (12 cases) and "management and operation of the public service" (10 cases). In this connection, will the Government inform this Council:*

- (a) *given that according to paragraph 2.2 of the Code, if the public interest in disclosure of the information outweighs any harm or prejudice that could result, including both actual harm and prejudice and the risk or reasonable expectation of harm and prejudice (the public interest in disclosure outweighs the harm or prejudice), a department may refuse to disclose the information, and paragraph 2.2.3 of the Guidelines on Interpretation and Application (the Guidelines) of the Code states that a civil servant is required to act reasonably in reaching his/her decision, of the procedures for various government departments to conduct the "harm or prejudice" tests, and whether the authorities have put in place any mechanism to review the decisions made by various government departments*

and whether the justifications thereof are reasonable; if they have, of the details; if not, the reasons for that; of the number of requests for access to information that had been rejected in the past five years on the ground that the public interest in disclosure had not outweighed the harm or prejudice, the government departments involved, and the detailed considerations in arriving at the aforesaid ground, including how the "harm or prejudice" tests had been conducted and how public interest had been assessed;

- (b) *given that it is stipulated in paragraph 2.14(a) of the Code that if the information is held for, or provided by, a third party, then such information may be disclosed with the third party's consent, or if the public interest in disclosure outweighs the harm or prejudice, and it is also stipulated in paragraph 1.22 of the Code that if the third party makes representations against disclosure, or fails to respond within the stipulated time, a decision will be taken as to whether the information should be disclosed on the ground that the public interest in disclosure outweighs the harm or prejudice, of the details of the cases for which approval had been given in the past five years to disclose information involving a third party on the ground that the public interest in disclosure had outweighed the harm or prejudice; whether notices were given to all of the third parties in question when requests for access to information involving third parties were rejected; if notices were not given, of the reasons for that;*
- (c) *given that it is stipulated in paragraph 2.13(a) of the Code that a department may refuse to disclose information relating to incomplete analysis, research or statistics, where disclosure could be misleading or deprive the department or any other person of priority of publication or commercial value, of the criteria adopted by departments for determining if the disclosure of such information could be misleading or deprive a person of priority of publication; of the numbers of requests for access to information rejected in the past five years on such grounds, the departments involved, and the detailed considerations in arriving at the aforesaid ground (including how to reach the decision that the disclosure of information could be misleading or deprive a person of priority of publication or commercial value);*

- (d) *whether it will require all public organizations to adopt the Code and set up a mechanism under which the decisions made by various government departments/public organizations on disclosure of information will be subject to review by a third party, such as the Office of The Ombudsman (The Ombudsman), to ensure that the relevant personnel interpret and apply the Code in accordance with the criteria set out in the Guidelines; and*
- (e) *notwithstanding a direct investigation on the Code is being conducted by The Ombudsman, whether the Constitutional and Mainland Affairs Bureau will proactively conduct public consultation on the policy aspects in reforming the Code, legislation on freedom of information and enacting archive laws; of the work schedule of the subcommittee of the Law Reform Commission to study the topic of access to information?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President, the HKSAR Government endeavours to make available to the public information which it holds. Members of the public who wish to obtain information held by the Government can make requests to relevant government bureaux or departments under the Code. Since the introduction of the Code in 1995, of the requests for information held by relevant bureaux or departments, about 98% were met, in full or in part. The Code provides an effective mechanism for members of the public to access a wide range of government information.

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

- (a) Part 2 of the Code sets out the categories of information that a department can refuse to disclose, including information the disclosure of which may harm or prejudice certain kinds of work or matters. The Guidelines of the Code gives a detailed interpretation in this respect. In deciding whether harm or prejudice may arise in disclosure of the information, a department must consider all relevant material and balance the public interest in disclosure against any harm or prejudice that could result in order to reach a reasonable decision. Where the harm which may arise from disclosure would

be extremely serious, then it is not necessary to establish that it would be likely or certain to occur to take it into account. On the other hand, if the perceived risk is neither very likely nor serious, it should be given less weight. In addition, in circumstances where there is no statutory restriction or legal obligation which prevents disclosure, and where there is a clear public interest in disclosure of the information sought and this public interest outweighs the harm or prejudice that may result to the Government or to any other person, such information may be disclosed.

We have not collected information from departments on the number of cases where departments refused disclosure of information on the consideration that the public interest in disclosure had not outweighed the harm or prejudice that may thus be caused. Any person who believes that a department has failed to comply with any provision of the Code may ask the department to review the situation. Any person who believes that a department has failed to properly apply any provision of the Code may also complain to The Ombudsman.

- (b) We have not collected information from departments on the details of cases where departments disclosed information involving a third party on the consideration that the public interest in disclosure had outweighed the harm or prejudice that may thus be caused.
- (c) Of the requests for access to information relating to incomplete analysis, research or statistics received in the past five years, 13 were rejected by relevant departments on the consideration that such disclosure could be misleading, or deprive the department or any other person of priority of publication or commercial value. The departments involved include the Civil Engineering and Development Department, Drainage Services Department, Housing Department, Education Bureau, Transport Department, Transport and Housing Bureau, Buildings Department, Correctional Services Department and Registration and Electoral Office. Such decisions were made in accordance with the Code and having considered relevant factors in individual cases.

- (d) Of the 22 public bodies under the jurisdiction of The Ombudsman, 21 have voluntarily adopted the Code or a similar guide on access to information. We understand that the Legislative Council Secretariat is now formulating an access to information policy. Any member of the public who has sustained injustice in consequence of maladministration of these public bodies may lodge a complaint to The Ombudsman.
- (e) The Ombudsman is now conducting a direct investigation into the access to information regime and the Government's records management system in Hong Kong. Separately, the Law Reform Commission has already established two subcommittees to consider the topics of access to information and archives law. The subcommittees will embark upon a comprehensive comparative study on the relevant laws in overseas jurisdictions with a view to considering whether improvement measures should be implemented in Hong Kong, and if so, how these measures should be implemented.

The Government will render co-operation in connection with the above investigation and studies, and will carefully consider how the prevailing arrangements could be further improved having regard to the findings of these investigation and studies.

Mechanisms for Executive Council Members' Leave of Absence, Suspension of Duty, Stepping Down from Office, and Withdrawal from Meetings

17. **MR KENNETH LEUNG** (in Chinese): *President, on 2 November last year, a Non-official Member of the Executive Council requested leave of absence on the ground that he "needed time to concentrate on handling the queries arisen from the sale of his properties". The Chief Executive acceded to the request and the Executive Council Member has not yet resumed his duty up to the present. On the 24th of last month, another Executive Council Non-official Member resigned from all public service positions, including that as an Executive Council Member, on the ground that he "is under police investigation", and Chief Executive accepted his resignation. On the other hand, an open document of the Executive Council indicates that the number of withdrawals of Executive Council*

Members from discussions at Executive Council meetings due to conflict of interest had increased substantially last year. Regarding the mechanisms for Executive Council Members' taking leave of absence, suspension from duty and stepping down from the office, as well as issues relating to withdrawals from discussions due to conflict of interest, will the Government inform this Council:

- (a) whether the Government has currently any administrative guidelines specifying the respective circumstances under which an Executive Council Non-official Member is required to "take leave of absence", "be suspended from duty" and step down from office; if so, of the details of such circumstances; whether it has set any requirements regarding the detailed arrangements for an Executive Council Non-official Member to "take leave of absence" and "be suspended from duty", including the maximum period of leave of absence to be taken;*
- (b) whether a quorum has been set for Executive Council meetings; if so, of the quorum; whether it has assessed the impact of a situation where two or more Executive Council Members are taking leave/being suspended from duty for an indefinite period on the operation of the Executive Council; if it has, of the assessment results; if the assessment results indicate that there will be adverse impact, of the Government's solutions for such a situation;*
- (c) while the Government has indicated that, in respect of those Executive Council Members taking leave of absence and being suspended from duty, the Government will cease to pay such Members any allowances and send them any Executive Council meeting documents, whether the Government has any guidelines requiring other Executive Council Members not to exchange views with such Executive Council Members in respect of policies, Executive Council business and other issues;*
- (d) whether it will conduct integrity checking of Executive Council Members again on account of the reasons for their taking leave of absence or being suspended from duty; whether the Government currently has any guidelines requiring an Executive Council Non-official Member's appointment be revoked under the specified*

circumstances; if so, of the details, including whether an Executive Council Member is required to step down from office during the period when he/she is being prosecuted but the case has not yet been concluded; and

- (e) *whether it has drawn up guidelines to deal with the situation where an Executive Council Member is required to withdraw from discussions at Executive Council meetings for a prolonged period due to conflict of interest; if so, of the details; if not, the reasons for that; in respect of individual Non-official Members, (i) of the highest number of times of absence from meetings and (ii) the highest number of withdrawals from discussions due to conflict of interest, since the inauguration of the incumbent Government; of the number of Executive Council meetings held since the inauguration of the incumbent Government, and set out the attendance of Executive Council Members at meetings and their withdrawals from discussions due to conflict of interest according to the table below?*

<i>Date of meeting</i>	<i>Total number of discussion items</i>	<i>Number of discussion items where one or more Official Members withdrew from discussions due to conflict of interest</i>	<i>Number of discussion items where one or more Non-official Members withdrew from discussions due to conflict of interest</i>	<i>Number of Official Members who were present at the meeting</i>	<i>Number of Non-official Members who were present at the meeting</i>	<i>Number of Non-official Members who withdrew from discussions</i>	<i>Number of Official Members who withdrew from discussions</i>
<i>Total:</i>							

CHIEF SECRETARY FOR ADMINISTRATION (in Chinese): President, the Executive Council is the highest-level organ for assisting the Chief Executive in policy-making. It has a constitutional status and its role, composition and functions are clearly stipulated in the Basic Law. The appointment and removal of Executive Council Members are determined by the Chief Executive. Regarding the five parts of the question, my reply is as follows:

- (a) The appointment and removal of Executive Council Members are determined by the Chief Executive. Executive Council Members may, considering their individual circumstances and personal needs, apply to the Chief Executive to be absent from a particular Executive Council meeting, take a leave of absence, or even for resignation. The Chief Executive, after duly considered the reasons put forth by Executive Council Members, would decide whether to accede to their requests. There are no specific guidelines at present stipulating the procedures for handling such applications. In fact, given that the number of Executive Council Members is limited, the reasons and hence the duration for the absence vary, and since each application will be handled by the Chief Executive in person after his due consideration, there seems to be no need for a set of standard guidelines.
- (b) There is no quorum for Executive Council meetings. At present, apart from one Member who is taking a leave of absence with the Chief Executive's approval, 14 Non-Official Members, the Chief Secretary, the Financial Secretary, the Secretary for Justice, and the 12 Bureau Secretaries who attend the Executive Council meeting when items under their policy purviews are discussed, have been performing their function in assisting the Chief Executive in policymaking. The functions of the Executive Council will not be affected by individual cases.
- (c) During his leave of absence, an Executive Council Member will not attend the meetings and briefings of the Executive Council, or participate in other Executive Council activities in the capacity of Executive Council Member. The Government will suspend the payment of honorarium and distribution of Executive Council documents to the Member concerned during the period. At present, there is one Executive Council Member taking a leave of absence.
- (d) Non-official Executive Council Members, like Principal Officials, would be required to undergo and pass the extended integrity checking before taking up the appointment. The effectiveness of the integrity checking system hinges on the trust and co-operation of all parties concerned. To ensure the effectiveness and integrity of the system, we cannot disclose further details of the checking.

As stipulated in the Basic Law, the appointment or removal of Executive Council Members shall be decided by the Chief Executive. The Chief Executive would consider whether it is necessary to remove the appointment of an Executive Council Member considering the individual circumstances of each case.

- (e) The Executive Council has adopted a rigorous system for declaration of interests. It is the personal responsibility of Executive Council Members to examine whether they have an interest in any item discussed by the Executive Council and declare it before the Executive Council discussion. Based on the interests declared, the Chief Executive will assess whether Executive Council Members concerned may have a potential or real conflict of interests in the item considered by the Executive Council. The Chief Executive will decide whether Members concerned should participate in or withdraw from the discussion of that item. This is to ensure that unbiased and impartial advice is offered. If the Chief Executive decides that the Executive Council Member concerned should so withdraw, the relevant Executive Council documents and minutes will be withheld from him. Details of the Member's declaration and withdrawal will be recorded in the minutes.

Given the wide range of matters submitted to the Executive Council and the need for the implementation of the confidentiality system, we cannot list out all the specific situations where Members have to withdraw from discussions; but we can set out broadly some direct and significant interests as follows where withdrawal would be necessary:

- (i) significant personal pecuniary interests which may be materially affected by the decision of the Executive Council;
- (ii) Executive Council Members' directorships, partnerships or advisory positions in companies which may be materially affected by the decision of the Executive Council;
- (iii) that an Executive Council Member, in his professional capacity, has advised or represented any person or body in connection with the item to be discussed; and

- (iv) other close or substantial interests, which if known publicly will lead reasonable members of the public to think that an Executive Council Member's advice may have been motivated by personal interests or involvement rather than by the duty to give impartial advice.

As regards the statistics on withdrawal of Members from discussions at Executive Council meetings due to conflict of interest, they are released on an annual basis on the Executive Council website. According to such presentation of statistics, during the current term of Executive Council from July 2012 to 21 May 2013, 40 meetings were held with 210 items discussed. Among which, there were 53 items where one or more Members withdrew from discussions due to conflict of interest. The total number of withdrawals from discussions was 113. As mentioned above, the 12 Bureau Secretaries who are also Executive Council Members will only attend Executive Council meetings when items under their policy purviews are discussed. As for Non-official Members, they may, due to individual circumstances, for example, sickness or overseas business trip, or conflict of interest and hence have been withdrawn from discussions of the meeting. We therefore have not compiled statistics on the absence from discussions by both types of Members and cannot provide the requested information.

Living Space for People in Hong Kong

18. **MR CHAN HAK-KAN** (in Chinese): *President, the Chief Executive mentioned in the 2013 Policy Address that "more than half of the private dwellings have a saleable area smaller than 50 sq m. Do we have the courage to make it our vision to improve the living space for the future generation?" A member of the Long Term Housing Strategy Steering Committee has reportedly pointed out recently that the average living space per person in Hong Kong should be increased. However, earlier on, a private developer planned to put up for sale "shoebox units" with an average area of merely 200-odd sq ft, which runs counter to the aforesaid vision. In this connection, will the Government inform this Council:*

- (a) *whether the Government has kept track of the changes in the average living space per person in Hong Kong in the past decade; if it has, of the details; if not, the reasons for that;*
- (b) *of the numbers of subsidized housing units of different saleable areas constructed/to be constructed in the past three years, this year and the next three years (set out in the table below);*

Subsidized housing	Year	2010	2011	2012	2013	2014	2015	2016
	Flat type							
Public housing	Small							
	Two to three-person							
	One-bedroom							
	Two-bedroom							
	Three-bedroom							
Home Ownership Scheme (HOS)	Small							
	Two to three-person							
	One-bedroom							
	Two-bedroom							
	Three-bedroom							

- (c) *of the current number of undeveloped residential sites with a plot ratio of one or below in the New Territories; whether it will consider raising, as appropriate, the plot ratios of residential sites in the New Territories which are not located in the new development areas, in order to meet the housing demands; and*
- (d) *whether the Government will draw up short, medium and long term plans in order to achieve the aforesaid vision?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government recognizes that housing heads the list of livelihood issues that are of public concern. At the same time, it is a very complicated issue. Our main challenge for the housing policy is to address the housing needs of different groups in the community, given the constraints imposed upon us from the current tight land resources. Since the new term of Government took office, we have shown our clear determination to tackle the housing problem, which is the top priority for the Government. The Government has formulated the following clear policy objectives on housing: (a) to assist grass-roots families to secure housing through the provision of public rental housing (PRH) to meet their basic housing needs; (b) to assist the public to choose accommodation according to their affordability and personal circumstances, including encouraging those that

are able to be homeowners; (c) to provide subsidized home ownership flats on top of PRH so as to build a progressive housing ladder; and (d) to maintain the healthy and steady development of the private property market, with priority given to the needs of Hong Kong permanent residents in light of the tight supply in the housing market.

My reply to the question of Mr CHAN Hak-kan is as follows. Input from the Development Bureau has been incorporated.

- (a) In the case of PRH, the allocation standard of the Hong Kong Housing Authority (HA) is no less than 7 sq m internal floor area (IFA)⁽¹⁾ per person as far as resources permit. Over the past 10 years, the actual IFA per person of PRH tenants (including those living in Tenants Purchase Scheme estates) has increased from about 11.3 sq m to about 12.9 sq m.

The Government currently does not keep statistics on the average living space per person in private housing.

- (b) The Government has provided the HA with sufficient land for building a total of 79 000 PRH flats within five years from 2012-2013 to 2016-2017. The information requested for in the question is listed below:

<i>Subsidized Housing</i>	<i>Flat Type</i>	<i>Year</i>						
		<i>2010-2011</i>	<i>2011-2012</i>	<i>2012-2013</i>	<i>2013-2014</i>	<i>2014-2015</i>	<i>2015-2016</i>	<i>2016-2017</i>
PRH	Small (one-to-two-person)	2 900	2 600	3 000	3 100	2 800	3 900	3 000
	Two-to-three-person	5 200	3 400	4 500	4 500	2 900	4 900	4 200
	One-bedroom	3 800	4 100	4 400	5 000	5 500	9 400	6 200
	Two-bedroom	1 800	1 100	1 200	1 500	1 600	2 300	5 400
	Three-bedroom	0	0	0	0	0	0	0
	Total	13 700	11 200	13 100	14 100	12 700	20 400	18 700

Note:

The above figures may not add up to the total due to rounding.

- (1) According to the Code of Measuring Practice issued by the Hong Kong Institute of Surveyors, IFA is the area contained within the enclosing walls of a unit measured to the interior face of the external wall or separating wall. Saleable Area is the area contained within the enclosing walls of the unit measured up to the exterior face of an external wall or the centre line of a separating wall between adjoining units. Generally, IFA and Saleable Area is related; and Saleable Area is usually larger than IFA of a unit.

In addition, the Government has announced the resumption of the HOS. Our target is to provide a total of about 17 000 new HOS flats within four years from 2016-2017; and to build about 5 000 HOS flats each year from 2020-2021 onwards. The first batch of 2 100 HOS flats, which are all two-bedroom units, is scheduled for completion in 2016-2017.

- (c) As development characteristics vary among districts, and development capacity is subject to the constraints of various factors such as environment, topography and infrastructure, the maximum plot ratio in a developable residential zone⁽²⁾ varies in different areas. The Government does not keep statistics on sites with regard to their status of development and their respective plot ratios. Hence, we are not in a position to provide the relevant figures.

The 2013 Policy Address has announced a series of measures to increase land supply, among which a number of projects involve the planning and development of rural land. Such projects include the North East New Territories New Development Areas, Hung Shui Kiu New Development Area, Tung Chung New Town Extension, and the reviews of deserted agricultural land in North District/Yuen Long. Through conducting planning and engineering studies, and provided that it is feasible in environmental, transport and infrastructural terms, these projects could release suitable land (including agricultural land) for development and can make good use of the development potential of the land, thereby achieving optimal use of land resources.

- (d) In the case of PRH, given the increasing number of PRH applicants on the Waiting List and the fact that supply of land for public housing is limited, in the short to the medium run, the need for "quantity" is more pressing. Hence, the Government must strike a reasonable balance between the needs of PRH applicants and the vision of progressively improving the average living space per person.

(2) Under the statutory plans of the New Territories, developable residential zones mainly include "Residential (Group A)", "Residential (Group B)", "Residential (Group C)", "Residential (Group D)", "Residential (Group E)", "Village Type Development", "Comprehensive Development Area" and "Other Specified Uses" annotated "Rural Use" zones.

The Government is now reviewing its long term housing strategy to ensure the optimal use of the existing land and housing resources to meet the medium and long term housing needs of the community. One of the issues studied by the Long Term Housing Strategy Steering Committee is ways to optimize and rationalize the use of PRH resources. The Government will prepare proposals on this for consulting the public.

As regards land supply for housing, given the current tight supply, the Government's target is to continue increasing the supply of land for residential purpose through a mutli-pronged approach, with a view to tackling the housing problem at root. The 2013 Policy Address has clearly set out the Government's overall policy blueprint for increasing land supply and solving the housing problem. It has also clearly set out various strategies and measures to facilitate sustainable social and economic development and has made it a vision of the Hong Kong's community to improve the living space of Hong Kong people.

Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme

19. **MR LEUNG KWOK-HUNG** (in Chinese): *President, although the Government separately replied to my questions regarding the Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme (the Scheme) of the Labour Department (LD) on 24 April, 8 May and 15 May this year, quite a number of members of the public and social workers have continued to relay to me the problems of the Scheme. They pointed out that when problems of the training courses arose, some "authorized persons" of the training bodies which had been appointed under the Scheme (that is, the persons authorized by the training bodies to sign all applications for reimbursement of course fees under the Scheme and normally the persons-in-charge of the training courses in the training bodies assume such role) had covered up their own fault of improper supervision and shifted, without verifying the facts or by using false information, the blame to those social workers who had already left the positions, so that their training bodies could continue to receive the LD's funding for the courses. In its reply to my question on 8 May, the Government indicated that "a training body reported to the LD on its own initiative that its internal audit*

revealed that it had not complied with the proposal in organizing one course and undertook to refund all monies related to that course". Regarding the aforesaid case, will the Government inform this Council:

- (a) given that training bodies are required to submit the application forms for reimbursement of course fees which have been duly signed and confirmed by the authorized persons in order to obtain fees reimbursement from the LD, and it has been set out in the notes of the form that information provided for reimbursement claims "must be reported accurately. Anyone who wilfully makes false representation or provides false information commits an offence", whether the LD had investigated if the authorized person(s) of the aforesaid case had submitted any false information to the LD; if so, of the investigation results; whether the LD had referred the aforesaid case to law-enforcement agencies for follow-up; if not, whether the Government has assessed if the way that the LD handled the case has amounted to harbouring some suspected law offender(s) and if this might nullify the warning set out in the form;*
- (b) whether the authorized person(s) of the training body in the aforesaid case was/were registered social workers; if so, whether the LD had referred the case to the Social Workers Registration Board for follow-up; if not, of the reasons for that;*
- (c) of the date and title of the course concerned in the aforesaid case, the amount of course fee previously reimbursed by the LD and the date of reimbursement, as well as the date on which the training body concerned refunded the monies; if the LD cannot provide such information, whether the Government has assessed if this might obstruct this Council's monitoring of the use of public money;*
- (d) whether it has assessed if the relevant the LD officers had, when handling the application for course fee reimbursement in the aforesaid case, failed to monitor the reimbursement properly; if the assessment result is in the affirmative, whether such officers had been subject to disciplinary actions; whether it has assessed if the LD was lacking awareness in the aforesaid case;*

- (e) *whether the LD officers had conducted any inspections during the period when the course concerned in the aforesaid case was being held; if so, of the format, number of hours and times of such inspections, and the reasons why the situation that the course concerned "had not complied with the proposal" still has arisen despite the inspections conducted; if no inspection had been conducted and the course fee had been reimbursed merely based on the information provided by the training body, whether it has assessed if the relevant the LD officers had failed to monitor the reimbursement properly;*
- (f) *whether the LD had, upon receipt of the notification by the training body of the aforesaid case, conducted any in-depth investigation so as to ascertain if the explanations given by the training body were all true; if it had conducted such an investigation, whether it had gathered information from all persons concerned; if it had not conducted the investigation, whether the Government has assessed if the relevant the LD officers had failed to monitor the reimbursement properly;*
- (g) *whether the LD had penalized the training body and the authorized person(s) concerned in the aforesaid case; if so, of the details; if not, the reasons for that;*
- (h) *whether the LD had disqualified the training body of the aforesaid case for organizing training courses under the Scheme; if so, of the date on which the training body was disqualified; if not, the number of courses organized by that training body with funding provided since the case was revealed, the total amount of funding involved, and whether the LD had accepted the application form for reimbursement of course fees signed by the same authorized person(s) of that training body; if so, of the reasons for that and whether it had stepped up its monitoring of that training body;*
- (i) *given that the Government had, in its reply on 8 May, refused to disclose to this Council the name of the training body concerned in the aforesaid case, and the names of the five training bodies which*

had received the LD's written advice/warnings, whether such refusal had any legal basis; if so, of such legal basis; if not, whether the Government has assessed if this involved the LD harbouring those training bodies which had breached the relevant regulations, and whether this might obstruct this Council's monitoring of the use of public money and undermine the public's access right to information; whether the names of those training bodies will only be disclosed after the public have lodged and won a judicial review in this regard; and

- (j) *whether the authorized person(s) of the Hong Kong Federation of Youth Groups (HKFYG) (one of the training bodies under the Scheme) had submitted false information to the LD, and whether HKFYG had organized any training course not in accordance with its proposal and had previously refunded the LD the relevant course fees, in the past four years; if so, of the date(s) and title(s) of such course(s), the amount of course fees previously reimbursed by the LD and the date of reimbursement, the amount refunded and the date of such refund by this training body, as well as the way in which that the LD handled this case?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to the question raised by Mr LEUNG Kwok-hung is as follows:

- (a) and (b)

Training bodies of the Scheme have to appoint authorized persons to verify the information submitted for claiming fees and allowances. Since the duties of the authorized persons are administrative in nature and do not involve counselling of trainees, the LD does not require authorized persons to be registered social workers. As our investigation of the case did not show any suspected offence, the case had neither been referred to law-enforcement departments nor other organizations for further action. We must stress that the LD handles suspected offence cases in a serious manner and will act strictly in accordance with the law.

(c) and (j)

The course mentioned in our reply of 8 May 2013 was organized by the HKFYG under the "Targeted Career Training Mission" (TCTM) held in March to May 2011 targeting youth receiving outreaching services. The TCTM is a special training programme under the Scheme tailor-made for young school leavers with special needs, including youth receiving outreaching services, ethnic minority youth, new arrival youth from the Mainland, delinquent youth, youth with learning difficulties/special learning need and youth with disabilities or chronic illness.

In May 2012, the LD received a letter from the HKFYG reporting that their internal audit uncovered irregularities in the file records of a Professional Bridal Make-up and Hair Styling Training Course under the TCTM of the 2010-2011 programme year. The abovementioned course provided 60 training hours while the training hours of the course originally planned should be 120 hours. The HKFYG took the initiative to refund all monies related to the course amounting to \$78,870, including reimbursed course fees, training allowances disbursed to trainees and administration fees for processing training allowances. The LD made payment as mentioned in paragraphs (d) and (e) of the reply below in September 2011 and the HKFYG refunded the amount in question on 20 June 2012.

(d) and (e)

Upon receipt of the claim forms for reimbursement of course fees, training allowances disbursed to trainees and administration fees in processing training allowances and relevant documents in June and August 2011, the LD verified the trainees' attendance rate records and results of course evaluation survey. Moreover, sample telephone surveys were conducted to ascertain that the trainees had attended the course and received the training allowance. The LD issued full payment to the HKFYG in September 2011 after verifying the above information. While the LD conducts sample class inspections to monitor the quality of training courses, the abovementioned course was not selected in the inspection list. In processing the abovementioned claim, the LD officers handled the

claims for reimbursement of course fees strictly in accordance with the guidelines.

(f) and (g)

The LD was highly concerned about the report submitted by HKFYG as mentioned in paragraph (c) of the reply above and conducted investigation immediately. We have counter-checked all relevant records and demanded the training body to submit further information. After reporting the case, the HKFYG indicated that it had reviewed and strengthened the units' administrative measures and monitoring mechanism in the provision of training courses, namely, requesting its units to record the arrival and departure time of trainees for monitoring trainees' attendance and devising a series of administrative guidelines for the strict compliance of its units to prevent recurrence of similar incidents.

After conducting detailed investigation into the case and taking into account that the HKFYG reported the incident of its own accord, implemented improvement measures immediately and had not previously committed similar irregularities, the LD decided to issue a serious warning to the HKFYG and reminded it that the LD would consider disqualifying it from the provision of training courses and services in case similar incidents recur in future.

(h) Since the incident was reported in May 2012, the HKFYG has not organized any course related to the TCTM. During the investigation of the case concerned, no suspected offence was detected. Hence, the LD would not refuse to accept the signatures of the authorized person concerned in making applications for reimbursement of course fees.

In order to ensure that the training courses organized by the training body are in compliance with the requirements approved by the LD, the LD has enhanced the monitoring measures on TCTM courses, including conducting more class inspections to TCTM courses, raising the percentage of sample telephone interviews with trainees and issuing notifications to trainees with detailed information of courses enrolled.

- (i) Other than the case mentioned above, the name of the five training bodies involved in the non-compliance cases and the nature of the non-compliances are listed as follows: the HKFYG did not strictly comply with the established procedures in cancelling a class; the Boys' and Girls' Clubs Association of Hong Kong did not strictly comply with the requirements in enrolling trainees on a course; the qualifications of trainers provided by the Hong Kong Communication Art Centre in individual courses did not meet the requirements; the Knowledge Education Centre did not strictly comply with the established administrative requirements and combine two classes into one; Caritas Hong Kong did not strictly comply with the procedures in cancelling a class and did not enrol a trainee on a course in accordance with the administrative requirements.

All along, the LD attaches great importance to the quality of services and training provided by the training bodies of the Scheme. It also takes up its monitoring role seriously. The Director of Audit has made recommendations on our class inspection in its Report No. 59. The LD will adopt a series of improvement measures to enhance the quality assurance mechanism of training courses, including a review of the strategy and overall arrangement related to training course inspections. Starting from January 2013, officers inspect in a single visit all training courses held at the same training venue as far as practicable and training bodies are requested to produce documentary proof of trainers' qualifications for verification during inspections. The LD will review the monitoring mechanism constantly to ensure the provision of appropriate employment services to young people.

Employment of Persons with Disabilities

20. **MS EMILY LAU** (in Chinese): *President, in connection with the employment situation of persons with disabilities in the Government and public organizations, will the executive authorities inform this Council:*

- (a) *of the number of cases in each of the years from 2004 to 2012 in which persons with disabilities were referred by the Selective*

Placement Division (SPD) of the Labour Department to apply for jobs in the Government; the annual changes of such numbers and the causes of such changes;

- (b) of the current number of persons with disabilities employed in the Government and the percentage of such number in the total number of government employees, with a breakdown by post (set out in a table);*
- (c) as it has been reported that a person with disabilities has been unsuccessful in her job applications through SPD since 2009 even though she has been arranged to attend an interview each month for government posts, of the criteria adopted by the authorities for employing persons with disabilities; and*
- (d) whether the authorities will consider afresh taking the lead in formulating a quota system for employing persons with disabilities in government departments and public organizations by specifying a mandatory target for employing persons with disabilities at 2% of the total number of employees; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR THE CIVIL SERVICE (in Chinese): President,

- (a) According to the information provided by the Labour and Welfare Bureau, from 2004 to 2012, the number of referrals made by the SPD of the Labour Department for persons with disabilities to apply for government posts and the percentage change of the figure over that of the previous year are at Annex.

In respect of government vacancies, job seekers with disabilities who have registered with the SPD for employment service can use the SPD's referral services in making job applications or they can submit applications for the post to the recruiting department themselves. As such, the number of referrals made by the SPD for government posts in a year depends on: the number of government vacancies available in the period; the types, salary package and entry requirements of the posts; job preference of the job seekers with

disabilities; whether they meet the entry requirements of the posts; and whether they choose to apply for these posts through the SPD.

- (b) We compile statistics on the number of persons with disabilities being employed in the Civil Service as at 31 March each year. As at 31 March 2012, the number of persons with disabilities in the Civil Service (excluding persons with colour blindness or defective colour perception) is 3 391, representing 2% of the strength of civil servants. We do not compile breakdown statistics by ranks of persons with disabilities in the Civil Service.

According to prevailing policy, there is no mandatory requirement for government employees or job applicants to declare their disability status (if any). Hence, the statistics only reflect the information available to the departmental management. For example, information on disabilities provided by job applicants with disabilities in connection with their request for special arrangement to attend an interview, or applications for government fund to finance the purchase of technical aids for officers with disabilities to facilitate their performance of duties.

- (c) Appointments to the Civil Service are based on the principle of open and fair competition. Applicants in an open recruitment exercise are assessed on the basis of their ability, performance and character, and having regard to the stipulated entry requirements set according to the job requirements of the grade concerned.

As regards employment of persons with disabilities, the Government has put in place measures to facilitate their participation in the selection process for recruitment. Also, we are committed to promoting their employment opportunities through enabling job applicants with disabilities to compete with other able-bodied applicants on equal grounds and implementing suitable facilitating measures. Specifically, applicants with disabilities who meet the basic entry requirements for a post will not be subject to any shortlisting criteria and will be automatically invited to selection interview. If they request special arrangements to attend an interview in the recruitment exercise, departments concerned will consider their request and make appropriate arrangements.

Applicants with disabilities may be given an appropriate degree of preference if they are found suitable for appointment.

- (d) According to studies on promotion of employment of persons with disabilities conducted by the European Commission and the International Labour Organization in 2000 and 2003 respectively, a mandatory employment quota system has not been proven successful overseas in helping persons with disabilities secure employment. Some countries have already abolished the quota system. The prevailing trend has moved away from employment quota system to anti-discrimination legislation and enhanced support measures for persons with disabilities.

Under a mandatory employment quota system or compulsory indicator, persons with disabilities might be perceived as a liability, making them difficult to be accepted by their peers at work. This is not conducive to their integration. Given this, we consider that persons with disabilities should be assisted to find suitable jobs based on their abilities rather than disabilities. On this basis, the Government will continue to implement its policy and facilitating measures with a view to facilitating persons with disabilities who are interested in joining the Civil Service in applying for government posts. For public and other organizations, the Government will continue to adopt positive encouragement measures to enhance job opportunities for persons with disabilities, such as giving due recognition to good employers, sharing good practices, and providing incentive and assistance to employers, and so on.

Annex

Referrals made by the SPD of the Labour Department
for persons with disabilities to apply for government posts

<i>Year</i>	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of government posts referrals	3 849	3 301	3 840	3 414	3 120	2 884	2 671	1 888	1 971
(Percentage change over the previous year)		(-14%)	(+ 16%)	(- 11%)	(- 9%)	(- 8%)	(- 7%)	(- 29%)	(+ 4%)

Fly-tipping of Construction Waste in Urban Areas

21. **DR CHIANG LAI-WAN** (in Chinese): *President, I have received complaints from members of the public about the serious problem of fly-tipping of construction waste in old districts such as Sham Shui Po, Kowloon City, Yau Tsim Mong, and so on. They pointed out that quite a number of flats in the old buildings in such districts had been converted by the owners into "sub-divided units" for renting out, and the alteration works involved had produced a large quantity of construction waste. Since the streets and scavenging lanes in the vicinity of these buildings were not managed by owners' corporations or property management companies, some renovation workers had dumped the construction waste in such places. These members of the public considered that such practice not only polluted the environment, but also blocked fire escapes, posing hazard to the safety of the residents. Although they had taken the initiative to report such cases to the Environmental Protection Department (EPD), law-enforcement officers were unable to institute prosecutions against the offenders as the fly-tippers had already left when these officers arrived at the scene. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received in the past three years by the authorities about fly-tipping of construction waste in the vicinity of buildings or by the roadside in urban areas, broken down by District Council district, and among those complaints, the number of cases in which the persons concerned had been prosecuted;*
- (b) *of the respective numbers of inspections and surprise checks conducted by the authorities for combating fly-tipping of construction waste in urban areas, the manpower dedicated to conducting such inspections and instituting related prosecutions, and the quantity of construction waste removed, in the past three years;*
- (c) *whether the authorities have taken further measures to combat fly-tipping of construction waste; if they have, of the details; if not, the reasons for that; and*
- (d) *whether it will consider amending the existing legislation to empower officers from the police, Fire Services Department as well as the Food and Environmental Hygiene Department (FEHD) to institute prosecutions against fly-tippers of construction waste; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, the Administration set up an inter-departmental co-ordination mechanism in 2009 to combat fly-tipping of construction waste. The EPD co-ordinates with relevant government departments, including the FEHD, the Highways Department (HyD), the Home Affairs Department (HAD), the Lands Department (LandsD), the Buildings Department, the Civil Engineering and Development Department, the Agriculture, Fisheries and Conservation Department and the Planning Department, in regular monitoring of fly-tipping black spots, the exchange of information and the co-ordination of enforcement actions among departments in order to effectively tackle the fly-tipping problem. Concerned departments will step up enforcement action as necessary and clear the fly-tipped construction waste as soon as they are reported.

- (a) The number of complaints received by the Administration against fly-tipping of construction waste in urban public places (including pavements, roadside and Government land) over the past three years are given in Table 1. The number of prosecutions over the past three years are given in Table 2.
- (b) The number of inspections by the Administration in urban areas over the past three years are given in Table 3, while the quantities of fly-tipped construction waste cleared by the Administration are given in Table 4.

The inspections and enforcement work form part and parcel of the regular duties and tasks of the enforcement officers in the relevant departments. There is no specific breakdown of the staffing provision dedicated for this area of work.

- (c) To address fly-tipping of construction waste in old districts such as Yau Tsim Mong, the government departments will step up inspections and blitz operations to combat flytipping in those districts through the inter-departmental co-ordination mechanism.

Moreover, the government departments will strengthen publicity and public education efforts including distribution of guidelines and publicity leaflets to the construction and/or renovation contractors, the property owners and property management companies, and so on, in the old districts in order to remind the trade and related stakeholders on the requirement to comply with the relevant legislation and to properly dispose of their construction waste. As

regards those individual construction and renovation contractors who fly-tip construction waste in the vicinity of buildings or roadside in urban areas, the EPD will prosecute the offenders by summons where sufficient evidence is gathered.

- (d) The Fixed Penalty (Public Cleanliness Offences) Ordinance has authorized the EPD, the FEHD, the Leisure and Cultural Services Department, the Housing Department, and the Police Force to issue fixed penalty notices to fly-tipping offenders. If any fly-tipped construction waste constitutes obstruction to designated exits of a building, the Fire Services Department will take enforcement actions under the Hong Kong Laws Chapter 95F — Fire Services (Fire Hazard Abatement) Regulation. The existing legislation have conferred enforcement powers against fly-tipping to various government departments, there is thus no need to further amend the existing legislation. In addition, any person who witnesses any suspected fly-tipping activities may provide information and evidence to the EPD. Follow-up prosecution will be initiated where there is sufficient evidence.

Table 1: Complaints against the fly-tipping of construction waste in urban public places (including pavements, roadside and Government land)

<i>District</i>	<i>Number of Complaints</i>		
	<i>2010</i>	<i>2011</i>	<i>2012</i>
Central and Western	453	456	369
Eastern	449	372	472
Southern	190	370	317
Wan Chai	386	342	475
Kowloon City	394	371	298
Kwun Tong	201	256	231
Sham Shui Po	1 119	1 048	1 096
Wong Tai Sin	91	141	137
Yau Tsim Mong	760	1 188	1 310
Total	4 043	4 544	4 705

Note:

- (1) The aggregate total of complaints received by the relevant departments, including the EPD, the FEHD, the HyD, the LandsD, the AFCD, and the HAD. Some of the figures may relate to the same complaint cases.

Table 2: Number of prosecutions against flytipping of construction waste

<i>Year</i>	<i>Number of Prosecutions (including fixed penalty notices)</i>
2010	39
2011	44
2012	58

Table 3: Inspections and blitz operations by various departments (including the EPD, the FEHD, the HyD and the LandsD)

<i>Year</i>	<i>Number of inspections and blitz operations</i>
2010	7 446
2011	7 860
2012	7 612

Table 4: Quantities of fly-tipped construction waste cleared by various departments (including the HyD, the FEHD and the LandsD) in urban areas (tonnes)

<i>Year</i>	<i>Quantities of construction waste (tonnes)</i>
2010	5 439
2011	4 369
2012	4 286

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Three motions with no legislative effect.

PRESIDENT (in Cantonese): First Member's motion: Actively promoting family-friendly policies.

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

I now call upon Ms Starry LEE to speak and move the motion.

(Members were informed vide LC Paper No. CB(3)624/12-13 on 27 May 2013 that three motions would be dealt with at this meeting)

ACTIVELY PROMOTING FAMILY-FRIENDLY POLICIES

MS STARRY LEE (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

If we look through the newspapers in the last couple of months, we could always find family tragedies involving family members jumping off from their homes to commit suicide in an attempt to avoid punishment after killing some of their family members. Most of these homicide cases were related to family problems. I believe Members will still remember the murder case that took place in Tai Kok Tsui, which was the most shocking case of all in which an unfilial son colluded with a friend to kill his own parents.

According to some statistics, the police recorded 2 002 criminal cases involving domestic violence last year, and 1 928 in 2011. In other words, at least five cases were reported to the police every day in which family members accused their family members of inflicting violence on them. During the same period, as shown in the figures from the Judiciary, divorce has become increasingly common in recent years, and the number of divorce orders issued in 2012 exceeded 210 000, representing a marked increase when compared with the 196 000 and 15 000 cases recorded respectively in the past year and 2005. One consequence of this divorce trend is the emergence of single-parent families. According to the statistics compiled by the Census and Statistics Department, the number of single parents has increased from 61 000 in 2001 to 82 000 in 2011.

The Hong Kong Council of Social Service has formulated a set of "Hong Kong Social Development Index" since 1999, of which the "Family Solidarity" sub-index has all along remained below zero, deteriorating from minus 81 in 2000 to minus 906 in 2008. Even though the period between 2008 and 2010 saw a marked improvement, with the figure improving from minus 906 to minus 309, a positive figure has never been recorded. President, these figures are certainly scaring, and they are also indicative of the fact that the cohesion within a family is weakening continually, and the family is losing its effectiveness as a firewall.

As time moves on, the structure of Hong Kong families is undergoing gradual and significant changes as well. The "three-generation family" in the past has developed into today's "nuclear family of three". In recent years, cases of separation, late marriage, and cross-boundary marriage with Mainlanders have become very common, thus resulting in a large number of single-parent families with family members living separately on both sides of the boundary. Besides, the composition of families has also become more complicated compared with the past.

As the saying goes, "a thriving family is a family in harmony, a declining family is one in dispute", if a family is caught in problems, each and every member of the family will be affected directly. Adults will have difficulty concentrating on their work or get mad easily, and this will naturally impact on the quality of their work and their efficiency. As for the growing-up children who are a great concern to us, since their parents are the first educators they ever have, if the parents keep quarrelling every day, their childhood will be filled with such haunting memories. On the contrary, a healthy and harmonious family gives support to its members' emotions and their day-to-day lives, and the mutual support among family members also helps to minimize family tragedies.

It is a common belief that "prevention is better than cure". If the Government does a good job in taking precautionary measures and enhance the solidarity among family members, thereby giving better play to the role of the family as a firewall, it will most probably be able to save up a lot of resources which may otherwise have to be spent on "fighting fire".

President, as we browsed through the records of Council meetings, we noted that quite a number of Members had moved motions on family-friendly policies. In 2006, Mr TAM Yiu-chung moved a motion on promoting family-friendly policies, urging for the establishment of a Family Commission and the introduction of a family impact assessment system. Subsequently, in addition to establishing the Family Council and introducing the five-day week system to the Civil Service, the Government has also taken the lead in implementing the five-day paternity leave arrangement. Nevertheless, even though the Government has indeed moved one step forward, the numbers of domestic violence cases and divorce cases mentioned just now are solid proof showing that the Government's efforts to promote family-friendly policies still have much room for improvement.

The Family Council has been set up for six years. I have recently visited its website and found that most of its activities held in these past six years were focused on promoting family values. This is a multi-sector and cross-bureau platform on which its members (official and unofficial) collaborate in studying and handling family-related issues, offering guidelines and advice, as well as facilitating the effective co-ordination and co-operation among various concerned parties to achieve synergy.

The Family Council has so far been operating as an advisory body with no statutory status or solid power, not to say additional resources. It is just in no ways comparable to institutions like the Consumer Council or the Equal Opportunities Commission. Hence, it is just natural for the public to regard it as an advisory body indulging in empty talk.

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

The Chief Executive mentioned in this year's Policy Address that with effect from 1 April, efforts would be made to further enhance the existing policies by including family perspective as one of the factors to be taken into consideration in formulating policies, and Policy Bureaux and government departments would be required to assess the possible family implications in formulating their policies. This is June already, but neither the Legislative Council nor the community has any idea of the progress of such efforts. Besides, our Panel on Welfare Services and Panel on Home Affairs just have no idea how the authorities are going to conduct the assessments or what progress has been made so far. I hope the Secretary can respond to that later on and make a report of the relevant situation to the community.

The Chief Executive always stresses the importance of "Home". In his manifesto last year, the part on welfare services already mentioned the idea of building a harmonious family. Having been in office for a short while, he is now working hard on promoting the "Hong Kong Our Home" campaign. But then, according to the online records, apart from the change to a new term of office, the Family Council has rarely met over the past year. As for the part of the Government, it has not committed any additional resources to promoting policies on building a harmonious family. On the contrary, we notice that as a

first step to revamp the organization of the Family Council, the Chief Secretary for Administration has ceased to chair the Family Council. The message the Government gives out this way serves to make people suspect that the Government no longer put emphasis on family-friendly policies. From this we can see that the Family Council under the current Government is not in line with the Chief Executive's Policy Address or the idea of "Home" that he has been stressing all long.

In my view, it is by no means enough just to roll out large-scale campaigns like "Hong Kong Our Home", and so on. The challenge confronting the Secretary and the Family Council is the positioning of family-related policies and the formulation of objectives. In the past, the Government just focused on giving assistance to families in crisis, but as families are getting weaker and weaker, is the Government going to insist on providing "minimal" support? Or should it not strengthen its precautionary work by allocating more resources to the promotion of family education? In order to promote reproduction and provide parents with family education, Singapore has established the Ministry of Social and Family Development in recent years. Toronto has also launched a nation-wide "Nobody's Perfect" programme to specifically provide education for grass-roots parents. Judging from this perspective, the positioning of Hong Kong Government's family policies is lagging far behind these places.

The second challenge is to co-ordinate the various newly-rolled out policies, so that sufficient ancillary and supplementary measures are in place to ensure that the already fragile families will not be further weakened. As regards the Steering Committee on Population Policy set up by the Government, judging from the replies given by the Chief Secretary in response to Members' oral questions just now, I believe the Steering Committee on Population Policy will most probably roll out a series of measures to encourage reproduction, with a view to boosting people's wish to have children. On the other hand, we understand it very well that as the business sector is always ready to tell us that we are facing an acute labour shortage, the policies to be introduced by the Government will roll out measures to encourage more women to join the labour force and the working community. Although we can understand the Government's rationale behind such objectives, I still hope that the Secretary will consider the whole matter very carefully. If the relevant policies rolled out are not accompanied by sufficient ancillary and supplementary measures, they just serve to weaken and hurt families.

Hence, if the Secretary seeks to further release the women labour force, well-planned ancillary measures like comprehensive day care services must be provided. Besides, efforts must also be made to promote family-friendly policies in the workplace. As the various policies are closely related to each other, the authorities must exercise great prudence in formulating policies, and the policies thus formulated must not be mutually contradictory.

Let me cite a few examples. In order to encourage its people to have children, the Singaporean Government has undertaken to pay for the salaries of working women on maternity leave. As a means to provide direct support for working parents, the Municipal Government of London offers tax concessions to parents in respect of their day care expenses, with a view to encouraging more women to join the labour force and supporting their original role in rearing children at the same time.

Deputy President, in view of the time constraint, I will leave it to my colleagues from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) to speak more on the issue of insufficient child-minding services mentioned in the motion. I will concentrate the remaining part of my speech on the "social fund for families" proposed in the motion, as well as issues like family-friendly policies and domestic violence.

Deputy President, one of the main points of this motion is to urge the Government to set up a "social fund for families". I am proposing the setting up of this fund in the hope that the Government will change the existing targets of its family policies. Instead of focusing solely on supporting families in crisis and "fire-fighting" or remedial work, the Government should uphold the principle of "prevention is better than cure" and commit more resources to taking precautionary actions, such as providing family education to support parents in dealing with problematic children, with a view to fostering a sound foundation for building healthy families.

Currently, the most effective mode of family education is prenatal education provided by the Maternal and Child health Centres. However, after the child is born, parents are on their own and have to develop their own methods to deal with their rebellious children. In many cases, the parents will think up a method which they believe to be correct, but it may not be the most suitable choice for their children, and it is not until the parents have eventually failed to

tackle their children's problem or emotions that the Government will finally come forth to "fight the fire". However, it may take more than a dozen years for the Government to take action this way. Why should the Government not promptly provide parents, particularly grass-roots parents, with a set of proper family education notions, thereby building up a firewall for each family?

The authorities have already set up a number of funds, such as the Community Care Fund which specifically offers assistance to the underprivileged groups, and the Samaritan Fund which provides chronic disease patients with medication expenses subsidy. How come we do not have any funds set up specifically for maintaining harmonious families? As such, we advocate the setting up of a "social fund for families". In addition to receiving applications from various organizations for funding to provide family education, the fund may also engage the Family Council to develop a systematic set of education programmes and courses targeting at grass-roots parents and promote them with the help of schools and community groups. These proposals on operation are just some initial ideas, for the key lies in the Government undertaking to allocate more resources to support family education and make proper precautionary efforts. As for other details, the authorities may discuss them with the community.

Deputy President, we certainly need the Government to take the lead and promote the development of a family-friendly community, but small firms, large companies and enterprises can also lend a hand. As we have seen in the past, many enterprises have voluntarily rolled out family-friendly policies for their employees. In addition to voluntarily extending employees' paternity leave and parental leave and providing workplace child-minding services, some employers have caringly organized "parenting schools" for employees with children, and introduced summer working hours during the summer. Naturally, only a few larger-scale enterprises can afford to have such arrangements to enable their employees to take care of the children during the summer vacation. I believe that in addition to giving employees a helping hand, these arrangements can also help to boost employees' sense of belonging in some measure.

Deputy President, the Government has been actively implementing the Family-friendly Employers Award Scheme in these past two years. However, only some 1 100-odd enterprises have participated in the Scheme, which is indeed

a very small fraction when compared with the 300 000 small and medium enterprises operating in Hong Kong. Hence, I hope very much that the Government will keep on encouraging enterprises to voluntarily join the Scheme at this stage and make concerted efforts to develop the family-friendly employment measures into a major trend. The authorities should also consider proactively encouraging the business sector to sign a "family-friendly employment charter", with a view to collaborating with the business sector in creating a family-friendly working environment.

Last but not least, Deputy President, I wish to speak on domestic violence. We have recently browsed through the report on child death cases, and found that of the 18 cases in which children lost their lives as a result of assault, the perpetrators in 13 cases were the children's parents. Growing up in a domestic violence-filled environment, the psychological development of the victimized children will certainly be affected negatively. Without proper counselling, these children may develop hatred towards the world and even pose a threat to society.

It is better to take precautionary measures to prevent the emergence of a problem. After the occurrence of a domestic violence incident, the importance of engaging professional social workers to follow up the victim should never be overlooked. Nevertheless, we have received complaints from social workers in the past which pointed out that government departments were still rather careless and superficial in dealing with domestic violence cases, and there was a lack of co-ordination among government departments. Hence, it is necessary for the Government to conduct a review, and to particularly look into ways to support families in crisis, professionalize the relevant services, and provide families with efficient, timely and targeted services. As regards the front-line police officers and staff members of the Social Welfare Department, the authorities should provide them with training in handling domestic violence cases in a more professional manner, so as to avoid mishandling the relevant cases or making incorrect assessments; otherwise, the cases brought before them for help may develop into family tragedies.

Deputy President, I shall stop here and make a response later on. I so submit.

Ms Starry LEE moved the following motion: (Translation)

"That, given the occurrence of a number of family tragedies in Hong Kong in recent years, which have greatly shocked the society and reflected the existence of many unhealthy trends in today's society gradually breaking up, damaging and distorting the social and family relationships, this Council urges that the Government should make stronger efforts in promoting family-friendly policies, enhancing family cohesion and individual resilience against adversities, restoring mutual love among family members and building up positive family values, so as to create a harmonious society; the proposed measures include:

- (1) the relevant departments should assess the gravity of domestic violence in Hong Kong at present, enhance the relevant social welfare services, review the modes of professional services for handling and supporting families in crisis and the corresponding effectiveness of inter-departmental support services, and strengthen outreach services, so as to provide families in crisis with highly efficient, timely and targeted services;
- (2) to expeditiously implement an impact assessment system in respect of public policies on families to assess the impact of existing social policies, legislation and measures on families, so as to make the relevant improvements;
- (3) to enhance the functions of the Family Council, and set up a 'social fund for families' to subsidize social welfare organizations to organize programmes and activities related to family education;
- (4) to actively step up publicity on positive family education on parenting, child duties and ethics, and promote family education through community service organizations, schools and the media, etc.;
- (5) to provide more child care support services to dual-income parents (including expanding community child-minding services, increasing the child-minding places in various districts, providing flexible-hour child-minding services, etc.); develop after-school remedial centres to enable children of dual-income parents to receive appropriate care after school;

- (6) to encourage public and private organizations to implement family-friendly employment policies more proactively for creating a family-friendly working environment, including encouraging organizations to provide staff with child care services and implementing a flexible working hour system with 'flexible hours and flexible places', and implementing a flexible leave policy, etc.;
- (7) to include all public holidays other than Sundays as paid statutory holidays through employer-employee negotiations and a progressive approach; and promote 'International Day of Families' to call on the community to cherish the value of family;
- (8) to raise the Child Allowance, subsidize the pre-primary education across the board, and conduct studies on extending the applicability of existing paid maternity leave to employees engaged under non-employment contracts, etc. so as to alleviate the financial burden on families in Hong Kong; and
- (9) to promote a housing policy which fosters inter-generational harmony, encourage the inclusion of residential complementary facilities suitable for both the elderly and the young in the designs of private and public housing, and improve community facilities to provide families with more room for parent-child activities."

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

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

I will first call upon Mr KWOK Wai-keung to speak, to be followed by Mr WONG Kwok-hing, Dr Helena WONG, Mr CHEUNG Kwok-che and Ms Claudia MO respectively; but they may not move amendments at this stage.

MR KWOK WAI-KEUNG (in Cantonese): Deputy President, first of all, here I would like to thank Ms Starry LEE for moving the motion on "Actively promoting family-friendly policies". The proposition stated therein highlights accurately the present problem — we all think that the Government is not proactive enough in this regard. Ms Starry LEE pointed out right at the outset that promoting family-friendly policies serves to reduce or alleviate family tragedies. However, I believe we are all aware that family is very important to society as it is the most basic social group. Many scholars have also pointed out that families play an important role in education, as parents would pass on personal values or social norms that can hardly be expressed in writing to the next generation.

The values held by youngsters seem to be very different from that of the previous generations. All of us are very concerned about it and would like to find out where the problem lies. As we all well understand, it is because of problems in the family. We believe it has much to do with the working environment.

Deputy President, the Government has, for years, proclaimed that it would vigorously promote family-friendly policies. Yet, the relevant policies have actually yet to be rolled out. What we can see is only a booklet entitled "Good People management and Family-friendly Employment Practices" compiled by the Labour Department in 2009. It mentions filial leave, compassionate leave, parental leave, flexible seven-day paternity leave, home office, maximum working hours, flexible working hours, and subsidies given by employers to encourage staff to do exercise. However, how many of the policies mentioned above have been keenly promoted by the Government since 2009? That is literally very few, if not none at all. The authorities organized the Family-Friendly Employers Award Scheme in 2011 once, and only once. How much effort has the Government put into this work? Take ordinary families as an example, many couples of core families have both to go out to work. Nowadays, dual-income parents have to support elderly parents while raising children. Worst still, to take care of their elderly parents and children, they very often have to hire a foreign domestic helper, bearing one more person's cost of living. For such simply-structured families, what policies the Government have in place to help them? My amendment proposes a series of specific family-friendly policies. I hope the Government will actively implement them.

Let me first talk about paternity leave. Mr WONG Kwok-hing of the Hong Kong Federation of Trade Unions (FTU) has been advocating this policy for years. At the very beginning, he was laughed at and got cold shoulders. Later on, more and more people took part in its discussion. Now that the Government has finally enacted such legislation for civil servants with paid paternity leave — the Secretary said that the paternity leave is on full pay when he replied to an oral question earlier on — coming into effect in April 2012. Most unfortunately, the general public still cannot enjoy paternity leave now.

As the Secretary mentioned in his reply to a question earlier today, the Government initially suggested implementing three-day paternity leave for the general public. However, five-day paternity leave is in place in Korea. Businessmen just do business, no matter they are in Korea or in Hong Kong. How come businessmen in Korea do not have so much resistance to paternity leave? Could it be the case that businessmen in Korea face no pressure while those in Hong Kong face tremendous pressure? Or is it due to the fact that Hong Kong businessmen have inadequate commitment to society? As we all know, people would not take paternity leave repeatedly in their lifetimes. As employees would not take paternity leave every year, why do employers still clamour for restricting paternity leave to three days only? Besides, for ordinary wage earners, these three days of leave are only on 80% pay. It is an utterly unfair treatment. We think that the Government must review it as soon as possible and implement five-day, full-pay paternity leave for the general public.

During the Question Time earlier, mention was also made of the population policy. The Hong Kong Government has all along encouraged childbirth. Singapore also encourages childbirth. Yet, their policies are vastly different. In Hong Kong, wherever there are any minor obstacles or unresolved problems standing in the way, initiatives will drag on for years. However, Singapore has put in place a basket of policies to encourage childbirth. One of such policies relate to paternity leave. If bosses do not provide adequate paternity leave, the Government there will allocate funding to subsidize it. As I also mentioned in a previous debate session, the number of babies born every year only adds up to tens of thousands. To let the public feel its proactiveness in promoting family-friendly policies, the Government need only offer two or three more days of paternity leave. The Government is able to do so.

Next, let me talk about maternity leave. After giving birth, women's physical health would definitely deteriorate and therefore needs a long time to rest and recover. Besides, as we are all aware, the age of pregnant women has been on the rise in recent years. It takes a much longer time for them to recover their health. Many countries have enacted legislation on paid maternity leave. Yet, Hong Kong's legislation on maternity leave is ridiculous. Why? The period of maternity leave in Hong Kong is just 10 weeks and on 80% pay only. In fact, according to the Employment Ordinance, sick leave is on 80% pay. In that case, is labouring and delivery of babies a kind of illness? We do not think that labouring and delivery is an illness. Giving birth is women's right and bounden duty. It should be given recognition and therefore maternity leave should be on full pay.

The Mainland, Singapore, or even Bengal and Pakistan have all put in place 12-week maternity leave. According to the International Labour Organization's Maternity Protection Convention No. 2000, the period of maternity leave should be 14 weeks. Most incredibly, third-world countries in Africa have also put in place 14-week maternity leave. More than 10 countries like Madagascar, Mali, Ghana, Congo and Senegal are also among them. Why is Hong Kong even not comparable to third-world countries? Miss Alice MAK of the FTU asked the Chief Executive last month why women are only paid 80% of their salaries during maternity leave. The Chief Executive thought it was due to wrongful deduction of wages by employers and told us to report such cases to the Government. I would like to say here that the SAR Government is the actual target of complaint as it has set out in black and white the deduction of that 20% of salaries.

Coming back to the main subject, the FTU hopes that the Government would put in place 14-week maternity leave. As the saying goes, "With a child comes a lifetime of worries". After a baby was born, parents need to take care of it long term. For example, they have to bring their children to see a doctor, take part in sports day and parent-child activities, as well as attend parents day. In such circumstances, employees more often than not have to take their own paid annual leave. If employers and supervisors are parents themselves, it would be easier for them to understand parents' difficulties. However, many people once become bosses would for reasons unknown forget the difficulties they have

encountered in raising their own children. They are unwilling or reluctant to grant employees family-friendly leave such as compassionate leave and parental leave as just mentioned. Therefore, my amendment also calls for the introduction of care leave. If such leave is made statutory, it would serve as protection for employees.

Another big problem is long working hours. More often than not, companies are short of staff and employees have to work overtime in order to finish all their work. Most people I come across in my neighborhood are retirees. However, they still cannot see their children very often as their children have to work long hours and cannot come home for dinners. Therefore, I hope that the Standard Working Hours Committee will expeditiously discuss *(The buzzer sounded)*

DEPUTY PRESIDENT (in Cantonese): Your speaking time is up. Please stop speaking.

MR KWOK WAI-KEUNG (in Cantonese): the enactment of legislation. Thank you.

MR WONG KWOK-HING (in Cantonese): Deputy President, while the Government promotes family-friendly policies, it must also pay attention to the situation and difficulties of men and formulate policies for them. I hereby represent three men's organizations, namely the Hong Kong Men's Association, the Hong Kong Men's Concern Group and the Caritas Personal Growth Centre for Men, to put forward to the Government nine main problems of concern to men in Hong Kong nowadays.

The first problem is the long-standing lack of support and regard for men's needs by the Government. With the Hong Kong economy restructuring into a service-oriented nature, the male unemployment situation continues to deteriorate. However, as men are still deemed as the stronger gender in the community, the Government has long fallen short of developing policies

specifically for men. It even neglects the need of providing suitable social benefits and services to needy men. As a result, men are caught in a difficult situation where they bear tremendous pressure, lack support and find it hard to voice out for help. Their situation has not seen any improvement. We hope that the Government will formulate forward-looking and effective policies for men.

The second problem is the absence of a Men's Commission in Hong Kong. The Government set up the Women's Commission in 2001. With over \$20 million of operating fund every year, the Commission is attended by representatives of senior government officials. It is specially tasked with co-ordinating women's affairs and formulating long-term objectives and strategies to ensure women can realize their full potential. On the contrary, the Government now still refuses to set up a Men's Commission. It really smacks of discriminating against men and violating the Sex Discrimination Ordinance.

We believe the setting up of a Men's Commission would signify that men's needs are seriously addressed. It would make men aware that they are entitled to and can have ways to seek assistance and obtain services, while at the same time consolidate and integrate their voices. It would form an important foundation for men to understand themselves, pursue sustainable development, and participate in social and family affairs. Therefore, we hope that the Government will expeditiously set up a Men's Commission.

The third is men's suicide problem. According to a survey conducted by the Centre for Suicide Research and Prevention of the University of Hong Kong, the suicide rate of men doubles that of women. It reflects that men are seriously troubled by problems of unemployment, divorce and indebtedness. Middle-aged men in particular are the high-risk group for suicide. The Government must gain an in-depth understanding of men's suicide problem, so as to trace its root cause and allocate resources to nipping the problem in the bud.

The fourth problem is the neglect of men's needs in the allocation of medical resources. Data from the Department of Health (DH) show that men fare worse than women in terms of longevity, risk of malignant tumors and chronic diseases. Take the year 2010 as an example, the number of men died of

malignant tumors is 50% more than that of women. At present, there are three woman health centres (located in Tuen Mun, Lam Tin and Chai Wan) set up by the Government. Most of the hospitals managed by the Hospital Authority (HA) in Hong Kong have also set up a gynaecology section. However, no hospital or clinic provides specialized service for men. The DH has only set up a hotline and organized the Men's Health Programme. To date, there is still no specialized medical service which really provides health and medical treatment for men. Seen in this light, men are obviously getting less medical resources and services than women.

Men face the risk of male-exclusive diseases, such as prostate cancer and sexual dysfunction, which also inflict severe physical and psychological distress on them. The Government and the HA should really allocate more resources to, say, set up Man Health Centres and establish a specialist service unit for men in hospitals, so as to specifically address men's health problems.

The fifth problem is the difficulties of job search by men. Surveys found that the unemployment rate of men is higher than that of women. Take the year 2010 as an example, the male unemployment rate stood at 5.1% while the female unemployment rate was 3.6%. More importantly, Hong Kong's economic landscape has shifted to the services and commercial sectors which have become the mainstay. From my observation, middle-aged men with low educational attainment are less likely than women of the same background to secure employment in the services sector.

Take also for instance the Employees Retraining Board (ERB). While it should serve to retrain grass-roots workers for re-employment, most of its programmes are targeted on women. They include courses to train post-natal mentors, modern guide of traditional Chinese wedding etiquettes and body slimming beauticians. Among those who completed the placement-tied courses in the year 2010-2011, women made up 75% while men accounted for 25% only. We hope that the ERB will design more courses that are suitable for men to enhance their employment opportunities.

The sixth problem is the tilt of education. On the education front, among those studying the courses subsidized by the University Grants Committee in the

year 2010-2011, female students made up 53.5% while male students accounted for 46.5% only. After the Education Bureau cancelled the arrangement of allocating secondary school places to boys and girls separately, female students have obviously made up the majority of students in Band 1 secondary schools, while male students have ironically taken the lion's share of those studying in Band 3 secondary schools. In that case, would male students' chances of getting into universities be seriously affected in the future? As the community places an increasing emphasis on professional qualifications and academic background, men no longer hold the upper hand. We hope that the Government and the Equal Opportunities Commission (EOC) will conduct an in-depth study on the aforesaid imbalance of education and retraining between the two genders, so as to identify specific solutions to achieve gender equality.

The seventh is men's divorce and abuse problems. Women have to face problems like those arising from single-parent families. So do men. Although men would also be devastated by divorce and have to take care of their single-parent families all by themselves, the Government and the community very often just focus on the needs of women. As men are assumed to be fine and can weather the storm easily, various problems they encounter in the course of divorce are not given serious attention. These include housing, legal, livelihood and mental-pressure problems, as well as difficulties in arranging for child access or joint custody, among others.

As shown in the data from the Census and Statistics Department, cases of men being abused by spouses account for about 20% of the total number. This figure has also been rising year on year. We believe that they are just the tip of the iceberg. Most men are shy to tell others the abuses inflicted by their own spouses. The Government has not provided any emergency refuge for men either, in stark contrast to the support received by women.

The eighth problem is that tertiary institutions seldom conduct studies or discussions on men-related problems. At present, studies conducted by universities and relevant research institutes on men's problems are most inadequate. It significantly hinders the Government and the community from understanding the urgency of men's problems and introduce relevant solutions and measures.

Deputy President, I have brought a set of books specialized in studying men's problems. I would later pass them to the Secretary and the Deputy Secretary. These books are written by an enthusiastic worker in a charity organization. I hope they will raise the awareness of the Government.

The ninth problem is about male service hotline, counselling courses and men's centres. We hope that the Government and social welfare organizations will set up a specialized male service hotline through which trained male personnel, social workers and professionals can answer disturbed men's questions. Deputy President, I am very grateful that former EOC Chairman, Mr LAM Woon-kwong, allocated resources to commission the Gender Research Centre of the Hong Kong Institute of Asia-Pacific Studies under The Chinese University of Hong Kong (CUHK) to conduct a thorough research while he was still serving as the EOC Chairman last year. The research report spans 60 pages, with six recommendations set out in pages 59 and 60. I hereby cite in part the fifth recommendation: "it is recommended that social policies should be made in such a way that it can take care of gender differences". If a Men's Commission cannot be set up, the authorities should form a commission that can address the needs of both genders. I support the recommendations stated in the research report and hope that the Government will further restructure the Women's Commission into a commission for gender equality.

I hope the Government will seriously consider the findings and recommendations of the research conducted by CUHK and commissioned by the EOC.

Thank you, Deputy President.

DR HELENA WONG (in Cantonese): Deputy President, first of all, I thank Ms Starry LEE for proposing the motion on family-friendly policies. The Democratic Party believe that a good family-friendly policy should be applicable to males, females, family members of all ages, as well as people of different sexual orientations. In other words, we have to face not one but various types of families. That is to say, the concept of family, in terms of both sociology and

the reality, is not confined to the type we used to think of — the traditional family formed of heterosexual monogamous marriage with one or two children.

If we deliberate on family-friendly policies without any anticipation of the varied definitions of family, the family-friendly policies we formulate would only take care of a certain type of family. Therefore, my amendment has made a few changes to Ms Starry LEE's motion. I seek to amend in particular the third item to clarify the functions of the Family Council and seriously address the emergence of diversified families and their different needs. If the Family Council is to promote family education — I find that Ms Starry LEE's motion stresses very much family education — a spirit that must be cultivated under family education, I believe, is to promote a culture of mutual respect and tolerance towards different types of families.

Family-friendly policies may encompass employment practices to enable employees to attend to family responsibilities and employment, and assist them in balancing work and family life. Of course, we all believe that both male and female employees should balance their work and family life. Mr WONG Kwok-hing thus questions whether men's interests are neglected. Members of the Democratic Party very much hope that we can have a gender-equal society where we are not particularly concerned with women's or men's interests. Therefore, I stress in my amendment that we hope to have a harmonious society where people can balance their family and work life. We hope that family education would work towards this objective, so as to create a gender-equal society. It should be the overriding premise for the promotion of family education.

Why do I have to stress gender equality? It is because of the fact that, throughout the thousands of years of history in China, women are very often presumed to be the ones who have to sacrifice when it comes to the family. It is embedded in both the Chinese and Western cultures. Women are considered improper to have their own careers as "men make houses, women make home". Therefore, families are where women have to sacrifice. In the present 21st century, I think any discussion on family education has to first change such concept. Family members, both males and females, should be able to make their own choices. It should be left to them to determine the division of labour within

the family, to decide whether it is the male who go out to work with the female staying home to take care of the children, or the other way round, or whether it is the husband who goes out to work at one stage and the wife's turn at other times. Our society should allow different families to realize their potentials according to their specific needs. Society should give them more respect, co-ordination and support.

Therefore, I believe that family education has to work towards a gender-equal society where there is respect for both genders. In other words, we must think more out of the box with respect to the traditional division of labour between the two genders. If there are people in the community who would like to take care of children at home, they should be allowed to stay at home regardless their genders. Our support for them is to give them adequate maternity leave, paternity leave, and provide enough child-minding facilities so that those who wish to go out to work can do so. For those who stay home to take care of their children full-time, they sometimes may need to take a rest, too. It is therefore necessary to have child-minding facilities in the community.

Although work-life balance matters to men, we all know that it affects women most. It is especially so as women have to bear babies. If a family-friendly policy does not take into account the difficult situation confronting married working women after giving birth, that policy cannot possibly be family-friendly. When married women reach child-rearing age, what then would be their situation? As we earlier mentioned during Question Time, the fertility rate in Hong Kong has fallen to an actual average of 1.24 children for every woman. The Government is still very much hesitant in encouraging parenthood. We, of course, do not agree that the Government should greatly encourage members of the public to have babies as we still have not formulated family-friendly policies and put in place comprehensive complementary facilities. It would be terrible if people really respond to Mr Donald TSANG's call and have babies. If one gives birth to three babies, who are going to take care of them? The Government always thinks that members of the public should find ways to take care of their own babies. When it comes to some private or family matters, the Government is never willing to assume responsibilities. It would just tell members of the public to work out solutions. If members of the public cannot work out the solutions themselves, they should

not do so. Therefore, a married working woman has three options after giving birth. The first option is to give up her full-time job and take care of her baby at home. This is the traditional gender stereotyping, but her right to work would be forgone. The second option is to continue working and play both the roles of a full-time employee and a mother. In this case, she would have a full-time paid job. The third is to take up part-time jobs as it is impossible to work on a full-time basis.

Those who choose the first option of giving up their jobs are very often the low-income and grass-roots women. The price they have to pay includes having to wholly rely on their husbands for financial support without their own personal income. As many survey findings show, it would to a great extent undermine the power of these full-time housewives in their families. Therefore, traditional Chinese women would find ways to make savings for their “private vaults” for a rainy day. As housewives are not financially independent, they are in a very vulnerable position and do not have protection after retirement. Women who choose the second option would have to continue working. They of course have a fixed income and probably more power in making decisions on family affairs. Yet, they still have to face the problems generated by the so-called “dual-income” families. While having to go out to work, they are also holding another job at home with such duties as designing parent-child activities, running errands for children's education — whenever schools have to meet the parents, mothers attend such occasions in most cases — handling the employment and management of maids. All these other duties and chores are exerting double pressure on women. If women choose to take up part-time jobs, they also have to face the situation mentioned just now. These women will still find it very tough in both their life and financial income.

Deputy President, we mentioned the problems encountered by different types of women, hoping that family-friendly policies can take care of the different needs of women, no matter they go out to work on a full-time basis, stay at home or work part-time jobs. For the women who stay home to take care of their family members, they actually are badly in need of financial support. Therefore, we very much hope that family-friendly policies would provide a carer subsidy for these family carers. It should also provide comprehensive and enhanced child-minding facilities and retrofit community and public facilities to provide

assistance for mothers who opt for breastfeeding. As for the problems related to carers and child-minding, we have discussed them for years. The Government indicated that it has already done relevant work. However, as the voices of women in the community reflect, the Government has been doing not enough. The Government should give this holistic and serious consideration and figure out how best to provide comprehensive support for different types of families, people of different genders and women including those who go out to work or stay at home. As regards women's needs, community facilities for carers and the elderly, in particular, (*The buzzer sounded*) have to be vigorously strengthened.

Deputy President, I hereby propose my amendment.

MR CHEUNG KWOK-CHE (in Cantonese): Deputy President, in May last year, there was a motion debate on "promoting family harmony" in the Legislative Council. As a veteran social worker who has been engaged in youth and family work for decades, I said at that time that in the long run, if we wanted to solve family problems, while it was certainly worthwhile to talk about specific measures that may ease the difficulties faced by families, more importantly, the crux of the problem had to be identified before a lasting solution could be found. Moreover, such discussion could not simply focus on such problems as a rising divorce rate, family tragedies, child abuse and neglect of children and we had to be able to see the forest in addition to the trees. At that time, I pointed out that promoting family-friendly policies and enhancing the resilience of families and individuals against adversities were only one aspect and that enacting legislation on standard working hours and compensation for overtime work was the fundamental way to bring about solutions and improvements to the circumstances in which families found themselves because only by doing so could parents go home early to spend time with their children while they grew up. Moreover, currently, there is a long queue waiting for public housing in Hong Kong and over 100 000 families are living in "sub-divided units" and cubicles, having to pay high rents and live in poor conditions, all this combined also constitutes a major culprit in the deterioration of family problems. And this cannot be solved simply by providing additional services or promoting family-friendly policies.

Today, Ms Starry LEE's motion points out that in view of the occurrence of a number of family tragedies in Hong Kong in recent years, which reflects the existence of many unhealthy trends in modern society that gradually break up, damage and distort social and family relationships, the Government is urged to make stronger efforts in promoting family-friendly policies, enhancing family cohesion and individual resilience against adversities, restoring mutual love among family members and building up positive family values, so as to create a harmonious society. These proposals are certainly oriented in the right direction but if both parents have to go out to work for more than 12 hours, how can there be enough time to enhance family cohesion and restore mutual love among family members? Therefore, there is no time to lose in enacting legislation on standard working hours.

The problem of domestic violence has been discussed in the Panel on Welfare Services many times already and I have also pointed out that the Government's response to the problem is very slow. It can be said that no progress whatsoever has been made in ameliorating the problem of domestic violence. Why? Because at present, the Government does not proactively collect any figures relating to domestic violence and the figures now available are all fragmented and collected from the cases handled by various departments. All colleagues in the social work sector know that these figures based on reports of domestic violence and requests for assistance tend to be low. For example, often, when the police deal with incidents of domestic violence, they would often treat them as family disputes and would just offer some neutral advice and then withdraw. As a result, the record on an incident of domestic violence cannot be traced. Without accurate figures, it is not possible to determine the gravity of the problem accurately. As a result, the problem is deteriorating all the time.

In addition, the Government is often the last one to wake up to the need of developing the relevant services. The Government has all along avoided interfering actively in family affairs and due to the so-called principle of minimal interference, adopts a nonchalant attitude. This is the case in respect of the Protection of Children and Juveniles Ordinance and also the case with regard to the Domestic and Cohabitation Relationships Violence Ordinance (the Ordinance). All along, it has only made some minor tweaks and patches. My colleagues in social work have all along reflected to me many critical problems.

For example, some colleagues in social work have pointed out to me that according to the Ordinance, at present, an application for injunction must be filed by a lawyer and often, the victims of domestic violence from grass-roots families can only rely on legal aid but the vetting of applications for legal aid takes time. In fact, why can it not be stipulated in the legislation that social workers, for example, social workers of the Society Welfare Department, can assist victims in filing applications? Alternatively, simplified application procedures can be laid down for the Family Court, so that applicants can directly apply to the Court for an injunction.

At present, the injunction arrangement under the Ordinance can be described as virtually non-existent. In addition to problems with the arrangement, there are also problems in resource allocation. For example, at present, the medical social workers responsible for the paediatrics departments in hospitals may have to handle as many as 10 cases of child abuse each week. These social workers have to not only hold case meetings with various professionals, prepare documents and write reports for the Court, but also pay attention all the time to the emotional responses of the victimized children staying in hospital wards and provide timely counselling. Therefore, the strain on manpower is severe. Moreover, the nature of these cases is often serious, so the pressure on social workers is very great. Moreover, if these children can be discharged, they will need placement in hostels, but the utilization rate of existing hostels for children has reached more than 90% long term. For example, due to a surge of cases, the Po Leung Kuk, which is the last line of defence, often requires social workers to obtain court orders before they can arrange for children to stay in its hostels. Given this situation of demand outstripping supply, the party who would ultimately suffer is the children who have been harmed physically and psychologically, so this is most lamentable.

Deputy President, I have put forward seven supplementary proposals in my amendment and they are all issues of concern to the social welfare sector. Take the Conditional Tenancy Scheme as an example, the existing policy requires that new arrivals must have resided in Hong Kong for more than seven years before they can apply for public housing and Comprehensive Social Security Assistance (CSSA). In fact, many concern groups oppose this requirement out of the concern that should domestic violence occur in the families of these people, and if

there is no support for them, it would be difficult for women to escape from the situation of violence. Take this type of female victims as an example, they have genuine, urgent and long-term housing needs but the system does not allow any room whatsoever for manoeuvre. Certainly, in theory, social workers can recommend to the Housing Department that the victimized women be offered compassionate housing but the compassionate housing under the Conditional Tenancy Scheme requires medical proof in cases of domestic violence. The facts tell us that doctors would only look at the problems from the pathological perspective and given their heavy workload, they have neither the time nor the means to understand the psychological and emotional states of their patients, and they do not have any means to assess the socio-economic condition of these women either. In the end, the Conditional Tenancy Scheme has become empty talk. In fact, why is it necessary for doctors to make assessments? Are professional social workers not capable assessors? It is obvious that the Government, in imposing this hurdle of assessment by doctors, is deliberately trying to control the number of applications.

Deputy President, to deal with family problems, including the problem of domestic violence, it is not enough just to rely on family-friendly policies. To prescribe standard working hours and build more public housing are both fundamental solutions. In the face of the serious problem of domestic violence currently, the relevant legislation, measures and services have failed to keep up, so the Government must also make improvements immediately. I demand that the Government review the Conditional Tenancy Scheme and the CSSA Scheme, improve gender awareness and sexual orientation training for judicial, legal and healthcare personnel as well as social workers, require abusers to receive counselling services, strengthen publicity and assist female victims of domestic violence in seeking legal protection, and set up a domestic violence court dedicated to handling the relevant issues. It should also increase the number of medical social workers and the manpower of the Family and Child Protective Services Units of the Social Welfare Department, set up transitional residential service centres, increase the places at and resources for refuge centres, support centres and singleton hostels so as to resolve the existing problems of short duration of residence and the lack of catering services in such centres, and immediately allow elderly persons and persons with disabilities to apply for CSSA on an individual basis and exempt their family members from having to

make any declaration arrangement for not providing support to them, so as to stop breaking up the families of elderly persons and persons with disabilities. Moreover, it should introduce an extra-curricular activity subsidy to reduce family frictions and social problems arising from the inability of low-income families to allow their children to participate in extra-curricular activities due to financial difficulties.

Deputy President, I so submit.

MS CLAUDIA MO (in Cantonese): Deputy President, when it comes to this subject of family-friendly policies that bespeaks such great compassion for the people, is so related to society and involves human and ethical values, no one would voice any opposition. There is a reference in the original motion to "the existence of many unhealthy trends in today's society gradually breaking up, damaging and distorting the social and family relationships". I hope Members would not be misled into thinking that with the existence of many unhealthy trends, it is necessary to impose moral censorship, or that breaking up, or division, is necessarily undesirable. In fact, the so-called division can sometimes or often be desirable as it represents pluralism. A society must be pluralistic before one can see how wide the spectrum can be and what options are open to us.

There is a well-known foreign saying pointing out that with all the people singing the same tune, true harmony cannot be found. It is necessary to mingle the low and high pitches before true harmony can be achieved. Therefore, Members must not be mistaken, thinking that if one party has all the say in society or there is just one voice in society, it means there is great harmony.

That discord in families and even in Hong Kong society has occurred cannot be attributed solely to the problems in families, rather, problems have arisen in many of the elements in society as a whole. It can be said that this is evident to all of us. In terms of finance, if the son still has had no success in finding work one and a half years after graduation from university and just stays at home every day, not to mention him, even his parents would feel depressed. This is not something that he, and still less his parents, wishes to see, so may I ask

who should bear the responsibility? This is because problems have arisen in the labour market nowadays and even his parents may lose their jobs at any time. Many companies would suddenly say that it is necessary to streamline their bloated organization structure, so even people who have been fathers for 20 years can be dismissed and told to pack up immediately. People receiving high salaries are even more worried. They can be told in the morning that they have to leave and they are already escorted out of the office by security guards in the afternoon. All these exert pressure on the family, so may I ask who is aware of all these? Not all people would go to the Complaints Division of the Legislative Council to lodge a complaint.

When it comes to the issue of family-friendly policies, frankly speaking, the family is indeed the smallest unit in any society. There is a claim that without the country, families cannot exist. This is really laughable. In fact, it should be said that without families, the country cannot exist. All people must have a family first. It is most ironical that according to press reports, 20% of the women in Hong Kong want to have babies and this is actually quite desirable, yet the complementary measures of the Government are problematic. This morning, when Carrie LAM gave her response in respect of the complementary policies in this regard, she said that the Government did not have any special policy to induce and encourage people to have babies but the existing policy would be reviewed.

This is most paradoxical. In fact, Hong Kong needs new blood but it turns out that a large amount of the new blood actually comes from the Mainland. The population of Hong Kong now stands at 7 million but in the course of the past decade, 10% of the people in the existing population actually came from the Mainland. Some people hold that this is also desirable as they can top up the population somewhat, but many people are not happy about this, believing that this would dilute the original demographics of the population. Originally, all these controversies would not have arisen, but they were created by none other than the Government. It is prone to trot out the slogan of China-Hong Kong integration but women in Hong Kong who want to have babies encounter a great deal of difficulty.

The Chief Secretary for Administration, Carrie LAM, said that the Government has offered many types of tax deductions and additional tax concessions but she is only paying lip service. After children are born, they have to be raised and in this process, parents must spend \$4 million. However, this sum of money has not factored in the inflation in recent years. And it is just a claim made in an old advertisement of a bank. May I ask how possibly can small families afford this sum of money? As a result, couples refuse to have babies, so they do not have any offspring. Some can still continue to live happily but some cannot. Let us look at the high divorce rate nowadays. Of course, this is not a problem unique to Hong Kong, but a problem prevalent in all modern civilized societies.

The amendment proposed by me hopes Members can pay greater attention to single-parent families, in particular, low-income ones among the grassroots. According to the latest figures, the number of single mothers in the past 10 or 12 years stood at 64 000, an increase of 35%, so the situation is very serious. Just now, it was said that there are unhealthy trends in society breaking up social and family relationships and the figures on single mothers also include unmarried mothers, that is, women who had babies without getting married, but I hope Members would not impose moral censorship on this. Concerning the issues of patriarchy and male power mentioned by Mr WONG Kwok-hing, I have all along been aware that the proportion of men to women committing suicide in Hong Kong is two to one, so the rate for men is double that for women and it is evident how great the pressure borne by men is. In the final analysis, this is still a patriarchal society and we all inherited the surname of the paternal side, that is, our fathers' side. Although some people adopt the surnames of their mothers, they are still a minority.

In recent years, the number of single fathers has also increased by 25% in the past decade, an increase of a quarter. However, the rates of men and women who can work in society in this group of people differ greatly. The number of single mothers who work in society accounts only for slightly more than half of the total, that is, some 50%, whereas the number of single fathers who make a living in society accounts for as high as 70% of the total.

It can thus be seen that gender differences exist in society. In the case of a job washing dishes in a restaurant, before the introduction of minimum wage,

the hourly rate for male workers could reach \$12 to \$13 but that for female workers was lower. This is entirely because of employers' exploitation of the lower likelihood of female workers switching jobs, so if they wash dishes in restaurants, they could only earn \$10 hourly. This situation will not change due to the implementation of the minimum wage at present. Although the wage level has seen significant improvements, the general social trend, mentality and mode of thinking pointed out by me still exist.

As regards the emotional problems of single mothers, on one occasion, I heard our Honourable colleague, Dr Fernando CHEUNG, during an interview on the radio, talk about the plight of single mothers and that was really moving. They have to cope with two small children aged just four years and two years, or even younger, virtually round the clock but there is absolutely no way out for them. They cannot go out, have no social life, and looking for work is out of the question. Does the Government provide any child care service? I know it does but this kind of child care service is not satisfactory. Take the Community Childcare Provider Scheme, which was originally a desirable measure, as an example, the local women and community groups in Sham Shui Po once took me along on their home visits to some single-mother families. As Dr Fernando CHEUNG described it, they were completely at a loss and helpless. They could only stay at home doing nothing from morning to night. Even if they go out, they do not know where they can go. Moreover, it is not possible for them to take two or three children out single-handedly, so such is the plight they face.

On child care, under the Community Childcare Provider Scheme, suppose a retired woman living in Sham Shui Po wants to work as a baby-sitter, originally, this can be a good option but it turns out she can only receive an hourly rate of \$18. Besides, if CSSA recipients hope to earn a meagre income and help other people at the same time, it turns out that such income has to be deducted from their CSSA payments, so they can only give up this idea. Originally, these women wanted to help their neighbours and the wage is limited, but it is unjustified for them to lose out in doing so. It is surprising that mistakes can be made even in the details of such a basic plan devised by the Government.

As Chief Secretary Carrie LAM put it, I hope the Government can really review the existing measures to explore in what areas problems have arisen. Thank you.

SECRETARY FOR HOME AFFAIRS (in Cantonese): First of all, Deputy President, I would like to thank Ms Starry LEE for proposing the motion "Actively promoting family-friendly policies" and Honourable Members for their concern about family harmony. I will give a brief account on matters pertaining to the policy areas of the Home Affairs Bureau and other Policy Bureaux. Later on, the Secretary for Labour and Welfare will speak on his policy area.

Like Honourable Members, the Government attaches great importance to family harmony and agrees that family is the cornerstone of society. Our policy objectives are to promote family harmony and foster a harmonious society. More specifically, our goals are to promote family core values, engender a loving family culture, and achieve a pro-family environment. To achieve the aforesaid policy objectives, the Government will take major initiatives as follows:

First, the Family Council established in 2007 provides a cross-sector and cross-bureau platform to study and address family-related problems with a view to providing high-level steer and advice, and fostering effective co-ordination, and strengthening the family will be the primary consideration in promoting the formulation of policy to assist various family members, regardless of age or gender, in facing their challenges;

Second, from 1 April 2013 onwards, the established approach of including family perspectives in the policymaking process has been further enhanced by introducing a mandatory assessment of family implications for all policies. The relevant assessments will also be set out in all policy papers and Legislative Council briefs. Various bureaux and departments are also encouraged to consult the Family Council on new policies which may carry family implications. We have planned to report to the Panel on Welfare Services of the Legislative Council on the work progress of the Family Council and the implementation of the assessment of family implications; and

Third, in order to implement the new initiatives and to strengthen its advisory role, the Family Council is reconstituted under a new non-official Chairman with effect from 1 April 2013. The Chief Executive has appointed Prof Daniel SHEK as the new non-official Chairman of the Family Council. This arrangement will render more effective assistance to bureaux and departments in consulting the Family Council and enhance ties with people from all walks of life.

To enable family policy objectives to be manifested in different policy areas, the relevant bureaux and departments will, in considering different policy areas, assess whether various policies will have family implications according to the three family core values established by the Family Council, including "Love and Care", "Respect and Responsibilities" and "Communication and Harmony", on the basis of the impact of these values on family structure and functions. Next, I will explain the Government's efforts in promoting family-friendly policies in different policy areas to achieve family harmony and promote social inclusion.

In order to promote family core values, the Family Council has organized a number of publicity activities and launched the territory-wide "Happy Family Campaign". In 2012-2013, the Family Council has joined hands with the Commission on Youth, the Elderly Commission and the Women's Commission to launch the Family Council Publicity Plan of the "Love and Respect Thy Elders" Campaign and a series of activities, including musicals performed by young people, a wide range of workshops, and various competitions with filial piety as the theme, attracting more than 5 000 students and members of the public. Furthermore, uniformed groups are subsidized to organize activities to promote family core values for participation by more than 700 000 members of uniformed groups and their family members. The Home Affairs Bureau will continue to allocate appropriate resources for the organization of activities to promote family core values.

Both the Administration and the Family Council attach great importance to efforts in family education. Through the Happy Family Info Hub, the Family Council has launched a series of family education teaching materials targeting challenges and situations constantly faced by families, including "18 Handy Tips for Family Education", "The Family Therapy Package", "Marital Relationship", and so on. Since the launch of these programmes, there has been heated public response and around 150 000 hits in total have been received so far. Furthermore, family education has also been promoted through the Integrated Family Service Centres under the Social Welfare Department and the Maternal and Child Health Centres under the Department of Health.

Meanwhile, the school is also an important venue for promoting family education. Family education provided in schools is meant to help students to establish positive marital and family concepts, nurture their respect and care for

family members, and learn how to foster and maintain a harmonious family. The comprehensive curriculum provided by the Education Bureau which covers knowledge, skills and values as well as relevant learning experiences have been included in different learning areas and existing subjects. Through the school curriculum and learning activities conducted outside classrooms, schools may also enhance family cohesion and individual resilience against adversities to achieve family harmony.

A number of Members have mentioned the need for more support services to be provided for both parents as well as dual-income parents. The Education Bureau has put in place various programmes to encourage and support students from low-income households in participating in various after-school activities, including the School-based After-school Learning and Support Programmes operated by the Education Bureau and the Hong Kong Jockey Club Life-wide Learning Fund. In the 2011-2012 school year, more than \$275 million was allocated to these two programmes to benefit some 230 000 students. In the 2012-2013 school year, the Community Care Fund launched the After-school Care Pilot Scheme, which was participated by 73 schools and non-governmental organizations (NGOs) to provide after-school activities for more than 5 400 primary and junior secondary students from low-income households. The Commission on Poverty has already given approval for the programmes to be extended by one year in the 2013-2014 school year, with the scope of assistance being expanded from needy students receiving CSSA or full fee reimbursement to covering students receiving the half fee reimbursement as well. Discretion can be exercised under the aforesaid programmes to allow participating schools or NGOs to take care of ineligible needy families, such as dual-income parents, single-parent families, and so on.

The successful creation of a family-friendly work environment hinges on the co-operation of the entire society. In order to encourage public and private organizations to implement family-friendly employment policies more proactively, the Family Council launched the first Family-Friendly Employers Award Scheme in 2011 to give recognition to employers who attached importance to and implemented family-friendly employment measures. Awards were given to more than 1 000 companies and firms. Many award-winning companies and firms were so creative that they formulated diversified and flexible family-friendly measures, including introducing parent-day holidays to allow their employees to take leave to attend parent days held by their children's

schools, and implementing flexible workplaces to allow their employees to work at home and make proper use of time to, on the one hand, shoulder family responsibilities of caring for their family members and, on the other, accomplish their official duties through computers. This demonstrates that, like the Government, the business sector recognizes the merits of promoting family-friendly employment policies which can foster good employment relations and boost team morale, thereby upgrading their competitive edge, as well as promoting a happy family life for employees. In view of its satisfactory results, the Family Council will activate the Second Family-Friendly Employers Award Scheme in August this year and expand its scope to cover organizations outside the business sector, including NGOs, social enterprises, and so on. The announcement on the results and presentation of awards will take place in the second quarter of 2014. We believe stakeholders in various sectors must work in collaboration for the promotion of cultural changes. Here I call on Honourable Members to encourage more enterprises and organizations to participate in the Second Family-Friendly Employers Award Scheme because only through changes in values can we bring out and strengthen a family-based culture. The SAR Government and the Family Council will continue to liaise with stakeholders to encourage various parties to make reference to the views expressed by the Family Council for the promotion of family-friendly policies to assist in strengthening family work.

Meanwhile, the Government has always striven to provide a family-friendly working environment to enable civil servants to cater to their operational and family needs at the same time. A five-day work week has been implemented in phases by the Government since July 2006. At present, approximately 106 800 civil servants, or 70% of the entire Civil Service, are working according to a five-day work week model. The authorities concerned will continue to encourage various bureaux and departments to study the feasibility of allowing more staff members to work according to this model. Furthermore, five-day full-pay paternity leave has been provided to eligible government employees since 1 April 2012. The measure has been implemented smoothly in various bureaux and departments, and the arrangement has been assessed positively. The Civil Service Bureau has been urging various bureaux and departments to give priority consideration by all means to leave applications submitted by civil servants and contract staff for the sake of taking care of their families.

Later on, the Secretary for Labour and Welfare will explain how to provide dual-income parents with more support services and promote family-friendly employment policies under his policy area.

Ms Starry LEE has also mentioned in the motion that the Government should promote the "International Day of Families" and called on the community to cherish the value of family. In a resolution passed by the United Nations in 1993, 15 May was designated as the "International Day of Families" to boost the international community's awareness of the importance of family and the importance attached to family problems, thereby promoting family harmony and progress. In order to tie in with the "International Day of Families", the Family Council has organized a wide range of activities to encourage the general public to attach importance to family and promote the culture of loving one's family and happy family. This year, the Family Council and the Hong Kong Council of Social Service will jointly host a family summit to prepare for the 20th anniversary of the United Nations International Year of the Family.

As regards tax concessions, in order to alleviate taxpayers' burden in raising their children, the Financial Secretary has proposed in the 2013-2014 Budget increasing the basic child allowance and the additional child allowance in the year of birth under salaries tax and personal assessment from \$63,000 to \$70,000. This is already the third year that child allowances have been raised. The relevant bill was tabled before the Legislative Council for scrutiny on 8 May this year to give effect to the proposed allowance adjustments.

Providing better quality kindergarten education is one of the priorities of the current-term Government. In the light of the huge diversity among kindergartens and the different views and expectations among stakeholders on free kindergarten education, we need to study prudently how to take forward free kindergarten education in a practicable manner. To this end, the Education Bureau set up a committee on 8 April 2013 to examine various issues related to free kindergarten education and make practicable recommendations. The first meeting was already held by the committee on 24 April, and five working groups were set up to conduct in-depth studies and analyses in specified areas. In view of the complexity of the matters involved, we expect the committee to complete its work and make specific recommendations to the Education Bureau in two years.

The SAR Government has been committed to promoting a housing policy which fosters inter-generational harmony. On public housing policy, in order to encourage the young generation to take care of and live with their elderly parents, the Housing Authority (HA) has drawn up corresponding policies to support extended families and enhanced a number of housing arrangements, such as Enhanced Transfer Scheme for Harmonious Families, Addition Policy for Harmonious Families, Amalgamation of Tenancies for Harmonious Families and Special Scheme for Families with Elderly Persons, to assist in setting up a support network with family as a nucleus for the promotion of family harmony and inclusion. These enhanced housing arrangements have come into full operation since January 2009. On hardware, the HA will adopt the concept of universal design in public housing planning and development to promote a living environment that fosters harmony among different generations, the able and the disabled. Furthermore, in carrying out public housing estate improvement programmes, the HA will take into full consideration the needs of the elderly and small children, with a view to making complementary efforts or improvements.

Deputy President, I have just briefed Members on how the SAR Government promotes family-friendly policies for enhanced family harmony in different policy areas. Later on, the Secretary for Labour and Welfare will brief Members on his own policy area. I will make another response after hearing further views expressed by Honourable Members.

Thank you, Deputy President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): First of all, Deputy President, I would like to thank Ms Starry LEE for proposing this meaningful motion debate today on "Actively promoting family-friendly policies" and Mr KWOK Wai-keung, Mr WONG Kwok-hing, Dr Helena WONG, Mr CHEUNG Kwok-che and Ms Claudia MO for the amendments. I would like to highlight some issues in the labour and welfare areas.

First of all, I fully agree that family is an important cornerstone of society, and family harmony is indispensable to building a harmonious society. There is a need for society to establish a positive family concept, encourage family members to enhance communication for mutual care and support, strengthen commitment to marriage, and attach importance to the responsibilities of parents

and children. Furthermore, we need to enhance individual and family resilience against adversities, so that joint efforts can be made to tackle various difficulties and challenges encountered at work and in daily lives.

The promotion of family harmony has always been the Government's key policy objective in policy formulation. Timely reviews will also be conducted to ensure that policies can truly meet the development needs of society. On welfare policy, family is our core value. To provide support for parents who cannot take care of their children for the time being for job-related or other reasons, a diversity of subsidized child-minding services has been provided by the Social Welfare Department (SWD) through NGOs. Furthermore, to provide support for elderly persons who choose to age in the community and alleviate the pressure on family carers, subsidized community care services and carers' training and support have been provided by the SWD through NGOs, too.

Furthermore, in order to reinforce and strengthen family functions, the SWD has provided a series of preventive, support and therapeutic services for needy families and organized family life education activities for children and parents through various units and service centres. The SWD also provides specialized services for families in crisis, including abused men, a subject of great concern to Mr WONG Kwok-hing, to protect the safety of their family members and prevent deterioration of the problems.

On labour and employment, the Labour Department is committed to encouraging employees and employers to discuss employment conditions and work arrangements through direct and frank communication. We encourage employers to adopt the "people-based" best personnel management practice and implement family-friendly employment measures to assist employees in striking a balance between family and work responsibilities.

On the enhancement of employee rights, I would like to thank Members for raising many proposals on improving holidays and working hours. The Government attaches great importance to Hong Kong's valuable manpower resources. In order to protect their rights, we have been gradually improving labour rights and benefits through education, publicity and legislation while keeping pace with the overall development of Hong Kong society and economy, and ensuring that new or newly revised labour laws can achieve a reasonable and appropriate balance between employee benefits and employer affordability.

Deputy President, I so submit. I will give a more detailed response after hearing Members' views. Thank you.

MR CHAN KIN-POR (in Cantonese): Family problems in Hong Kong have worsened in recent years. Two family homicide cases of incredible degree of cruelty happened earlier. The Chinese society always attaches importance to family morality concepts and considers that the ideal ethical relationship should be harmony between father and son. This traditional value remains unchanged. But why did such bloody tragedies occur in our society? It warrants our reflection indeed.

There are various factors, such as addiction to online activities, leading to domestic violence and even family tragedies. But in my opinion, the root cause still lies in the family. Hong Kong people work very hard for their families. But precisely because of this, Hong Kong people unfortunately sacrifice their family time for work. Inevitably, family members feel a sense of alienation among themselves as they have little time to get together. The warmth of family will disappear over time. Furthermore, family members will meet different problems and pressure in society. If they do not know how to deal with it, they will go home with negative emotions. As a result, conflicts among family members are likely to arise, which may lead to domestic violence.

In fact, the family is a group unit of society. If there is family warmth in most of the families, parents can take good care of their children and everyone can live happily, society as a whole will also be in order. On the contrary, if most of the families are unhappy, it is inevitable that society will be engulfed in an atmosphere of hostility. Today, the fact that our society is full of grievances may, to a certain extent, reflect the gravity of family problems. It has also indicated that to rebuild family relationships is the most urgent task of Hong Kong society.

In the last-term Legislative Council, I proposed a motion "Urging the Government to promote a new occupational culture campaign for work-life balance", in which I urged the Government to promote work-life balance, including encouraging the public or private sector to adopt a flexible work culture, flexible leave policy and family support services. But the Government's response was not positive enough. I would like to take this opportunity today to

urge the Government once again to seriously consider adopting my proposal as one of its major family-friendly policies. I believe my proposal will help maintain family relationships, thereby alleviating social problems. It is a pragmatic approach.

Singapore is a pioneer in Asia in promoting work-life balance. A "Work-life Balance Development Fund" was set up to provide subsidy for enterprises to promote the measures as early as 2004. This year, a totally new programme "The Work-Life Grant" was set up to increase the funding for enterprises to promote these measures, particularly flexible work arrangements which include flexible working hours, flexible working location and working on a part-time basis. According to the implementation experience, employees under flexible work arrangements will have enough room to arrange time for taking care of their families. As employees develop a greater passion for work, their productivity also increases. In the meantime, the rate of absenteeism will also be greatly reduced and employees will work happily as their work pressure has been relieved.

I believe flexible work arrangements can also be applied to Hong Kong. From the social point of view, it will help consolidate family relationships. By flexibly changing their working hours, parents can have more room to take care of their children. For instance, they can send their children to school and pick them up by arranging their work schedule. They may leave their workplace earlier when their children are on holiday, thus enabling them to enjoy family life. Or they may leave their workplace earlier so that they can go shopping for food to prepare their dinner. We should not underestimate the significance and effectiveness of flexible work arrangements. According to many surveys in the past, parents are too busy to talk with their children or even see them. So, if they have more opportunities to get together, it will be conducive to building a warm family. At least, their sense of alienation due to a lack of communication can be alleviated. In reality, many parents will realize that they do not understand what their children think due to a lack of communication only after family problems have emerged.

The implementation of measures which are geared towards work-life balance is a win-win option for both employers and employees. However, to implement these measures extensively in Hong Kong, it is necessary to change employers' mentality so that they can understand that their companies will actually stand to gain from work-life balance measures. In Singapore,

companies which have implemented relevant measures find that employees' efficiency depends on their performance rather than their number of hours spent in the companies. According to some studies, the return for employers on \$1 spent on the implementation of work-life balance is \$1.68 on average. So, it is definitely worthwhile for enterprises to launch such measures. If the Government can provide sufficient financial incentives to employers, particularly small and medium enterprises, I believe more employers will take the initiative to implement family-friendly measures, thus enabling the community as a whole to benefit expeditiously.

I believe if employees can achieve work-life balance, they will be healthier both physically and mentally. It is more likely that their families will also enjoy healthy development. Thus, family problems will be reduced. Eventually, it will be an all-win scenario for employees, employers, families and society.

I so submit.

DR ELIZABETH QUAT (in Cantonese): Deputy President, family problems in Hong Kong have worsened in recent years. In addition to the recent tragedies in which parents were killed by their own children who conspired to commit such a heinous crime with their friends, news such as primary and secondary students taking drugs, youths killing their loved ones, domestic violence, incest between family members, and so on, are often heard of. Suicides in Hong Kong have also caught our attention. In 2011, 833 people committed suicide. Among them, 296 were elderly aged 60 and above while 21 were youth under 19 years of age. Deputy President, these people felt that life was dreary for them. To a certain extent, I believe it has something to do with their lack of family support.

In fact, Hong Kong is a city with an extraordinary quick pace of life. Most parents have to work long hours and do not know how to teach their children. As a result, they pass the teaching responsibility completely to the maids at home and the teachers in school. Social values are often materialism-led, whereas some parents have the wrong impression that children's lack of love and care can be compensated materialistically. It is most unhealthy to the development of our younger generation and the cultivation of positive values. Besides, the extremely crowded living environment has made it

impossible for many families to take care of their elderly members. Being unable to live together, most elderly who feel lonely have a very hard time.

The problem boils down to one key element — the dysfunction of the traditional family structure. Large families used to be the mainstay in Hong Kong with several generations living under one roof. In this way, family members could support each other. As a result of the gradual social development of Hong Kong, nuclear families have become dominant. Young people generally live away from their parents after getting married. The increasing number of divorces and single-parent families has naturally contributed to the gradual decline of family concept and family education.

I, therefore, think that the Government should review various existing public policies. Prior to the implementation of such policies, the Government should study and assess the family implications of the new proposals with reference to the existing policies in order to make sure that the relevant policies can cater for their actual needs of Hong Kong families once implemented. I hope that the Government can actively promote family-friendly policies and measures, particularly offering a helping hand to dual-income couples so as to strike a balance between life and work. It is hoped that with the Government's help, they can spare more time for taking care of their family members.

According to the State of Work-Life Balance in Hong Kong Survey 2012 by the non-profit-making organization Community Business, 71.8% of the respondents see life-work balance as a critical factor affecting employees' productivity and motivation, as well as enterprises' ability to attract and retain talents. Employees regard flexible working hours and flexible workplaces such as working at home as the most effective initiatives of achieving work-life balance.

Deputy President, the Government's formulation of environmental protection policies will require the collaboration of departments responsible for planning, transport and construction. Similarly, if the Government really attaches great importance to family values and really wants to resolve family problems, its concept and objective must be based on an inter-departmental perspective in considering how best to formulate and implement family-friendly policies in a comprehensive manner. We also request that a social fund be set up for family so that the Government can actively support various organizations to take forward these policies.

For instance, the Government should consider the elderly policy, housing policy and family-friendly policy as a whole. From the perspective of enabling the elderly to age at home, the planning and construction of public housing should be considerate enough to ensure that the interior design and community environment have reserved ample space for barrier-free access and facilities for elderly on wheelchair. There should also be such ancillary facilities as medical centres, nursing homes, elderly centres and physiotherapy centres downstairs so that the elderly can access these services in the most convenient and expedient manner. This can effectively alleviate their family's pressure of living. The Government also needs to increase the per capita living space so that the elderly can live with their family members without causing any conflict arising from crowded living conditions. The Chief Executive has mentioned in his manifesto that he will gradually enhance the per capita living space. I hope that the Government can accelerate the pace.

Deputy President, a mother told me recently that she had an intimate relationship with her mother during her childhood. She said that the happiest and the fondest moment in her childhood was her mother's reviewing her newly completed homework, teaching her knowledge not taught at school. Now being a mother, she feels very much sorry for she has not been able to do the same for her children due to heavy workload. Parents who have to work to earn a living will find themselves having no time for communication with their children. It has been an extremely serious social phenomenon as it directly affects the intimacy among family members, rocking the structural stability of family. The Government must face up to it and study various ways to introduce relevant family-friendly measures to help resolve the problem.

Another frequently mentioned topic is the necessity to increase child care service, especially the occasional child care service for children aged between six and 12. At present, there are only 142 After School Care Programme (ASCP) centres in Hong Kong. The home-based child care service is in acute shortage. Many well-educated women with working ability are confronted with the dilemma between giving birth and finding a job. Some may have to give up the idea of bearing and raising children for a living, thereby affecting the birth rate of Hong Kong. I really hope that the Government can provide a flexible child care service according to the practical needs of each district so that working parents can be worry-free earning more income to enhance the quality of life while still being good parents to their children.

The Government has kept stressing the need to study ways to encourage parenthood while emphasizing the importance of a harmonious family. The Government has also talked about releasing the women labour force and helping the elderly to lead a decent life. The Government then has to seriously implement family-friendly policies. Only a happy family can nourish a happy childhood. I urge the Government to put its words into action instead of preaching one way but doing quite another.

Deputy President, I so submit.

MR RONNY TONG (in Cantonese): Deputy President, the subject in the motion proposed by Ms Starry LEE seems to be simple or independent, but actually it is not. Some Honourable colleagues have proposed many amendments to the motion. I counted them just now, finding that the amendments totalled 25 paragraphs. This makes me wonder whether we fail to see the wood for the trees.

In fact, the family policy can be regarded as the basis of all livelihood issues as it embraces all kinds of policies relating to people's living. Ours is a Chinese society led by Confucian thinking. As an adage goes, a man has to cultivate his moral character before he can put his family affairs in order, then he can run the country well and ultimately achieve universal peace. Thus, a man who cannot put his family affairs in order is not capable of ruling a city. Hong Kong, as an affluent society, is also an international trade and financial centre. However, the number of family tragedies and domestic violence cases is very great. Just now some Honourable colleagues mentioned the suicide rate in Hong Kong. Cases concerning family tragedies are reported in the press almost every day. It is really worrying.

According to a recent survey, it is anticipated that the number of requests for assistance due to domestic violence will rise by 250% if Hong Kong experiences an economic downturn in 2012. In fact, even if you are not a scholar or expert, you can see what the priorities are in the family policy.

Deputy President, if you ask any person in the grassroots or any family in the middle class this question, you will be told that there are three priorities. These three priorities include all kinds of livelihood-related issues in our society:

first, the economy, which is related to the sources of income; second, education for their children; and third, living environment. Many family tragedies can be attributed to any one or two or even all of these factors, leading to unbearable pressure on the family members. As a result, something very much regrettable or the so-called family tragedies happen. And these incidents frequently occur in our society.

Why are we unable to do better in these three areas? In fact, the Government should strive to tackle problems in these three areas, apart from taking care of general livelihood issues. I would like to point out to Honourable colleagues that the SAR Government bears a constitutional responsibility in this aspect. Let us take a look at the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 7 of the ICESCR clearly stipulates that remuneration for all workers should ensure a decent living for themselves and their family. It sounds like a reasonable and simple requirement, but the question is: Can Hong Kong fulfil such a requirement? Article 10 of the ICESCR provides that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Importance is also attached to education. Article 13 stipulates that the States Parties to the present Covenant recognize the right of everyone to education and primary education shall be compulsory and available free to all.

Under Article 39 of Basic Law, the ICESCR shall be implemented in Hong Kong through local legislation. From the perspective of the most basic international standards under the ICESCR, there is much inadequacy in the efforts of the Government in respect of two of the three areas I mentioned earlier.

Regarding incomes, although the statutory minimum wage has been prescribed, if our workers have to work 20 hours or less than 20 hours a day before they can earn a relatively reasonable wage to support their families, they have no family life at all. Deputy President, there is one thing I find very strange. I am sure that today's motion will certainly be passed because no one dare oppose it. But not long ago, this Council opposed a motion on the prescription of standard working hours. The general public, on seeing such a situation, might think that this Council is suffering from schizophrenia.

On education, the 15-year free education is actually the most basic requirement. The incumbent Chief Executive also promised to implement 15-year free education when he was running in the election. But what is the result? This issue remains to be a subject of the empty talk meetings, and four or five years have passed without our noticing it.

Regarding our living environment, despite Hong Kong's landscape or geographical constraint, the SAR Government, which is duty-bound in this aspect, should discharge its responsibility as soon as possible.

Deputy President, we had better talk about how to improve people's livelihood than discussing family-friendly policies. If people's livelihood can be improved, there will not be any serious family problems. The people's incomes, education for their children and living environment fall within the most fundamental livelihood-related policies. If the SAR Government is incapable of implementing even these fundamental livelihood-related policies, it is meaningless to talk about improving people's family life or introducing family-friendly policies.

Thank you, Deputy President.

MR POON SIU-PING (in Cantonese): Deputy President, the Chief Executive, Mr LEUNG Chun-ying, in his manifesto proposed to set up a clear-cut family policy congenial to a family-friendly society and the Government would take the lead to promote a family-friendly working environment. As a matter of fact, in 2006 the Women's Commission advocated a family-friendly employment policy and in 2007 the relevant policy was handed over to the Labour Department (LD) for promotion. Recently, on the website of the LD, the topic of a family-friendly employment policy has disappeared. When a family-friendly employment policy becomes a family-friendly policy, the focus on employment relationship is gone. In the past, the Secretary for Labour and Welfare was in charge of giving replies to questions asked on this policy. But today replies were given by the Secretary for Home Affairs and the Secretary for Labour and Welfare.

On the face of it, when two Directors of Bureaux are asked to answer questions, it shows that more Policy Bureaux are concerned about the issue of

family-friendliness. If this argument holds water, the family problem may be regarded as a problem applicable to all Policy Bureaux. Family life may be related to community environment, and so this involves the Home Affairs Bureau. As child development is related to education, should the Education Bureau not bear any responsibility? Many families are beset by a housing problem, should the Development Bureau not step in when it comes to family-friendly policies? In this way, different Policy Bureaux in the entire Government should be engaged to show the importance which the Government attaches to family problems. But this will not work in the promotion of a family-friendly policy. It is because collective responsibility will often become collective irresponsibility. When more departments and bureaux take part, on the surface this serves to raise the level of problem-solving but in practice the problems may not necessarily be solved.

The Women's Commission has a leaflet on family-friendly employment policy and it sets out statistics on the implementation of a family-friendly employment policy in Hong Kong. The statistics show that only some 40% of the companies and organizations in Hong Kong practise a five-day work week and less than 30% have a flexible shift system and only 20% offer any family-friendly scheme for employees. The situation is not satisfactory. I am sure the Women's Commission uses very loose standards to assess the implementation of a family-friendly employment policy in Hong Kong. Will any improvement be made to the situation if the Home Affairs Bureau takes part in family-friendly work?

Work in family-friendliness involves a lot of aspects. As we see in the motion and various amendments today, Members have made all kinds of suggestions. In the manifesto of the Chief Executive, it is said that "In order to foster a 'Family Friendly' society, we will formulate clear-cut policies and take the lead to create a work environment to achieve this, for example, providing paternity leave for male staff in the public sector and encouraging its extension to the private sector, introducing flexible working hours and allowing employees to choose to work at home as appropriate. It is well established in more advanced economies that a family-friendly policy helps to enhance employees' sense of belonging and balance the demands of work and family responsibilities" In the manifesto of the Chief Executive, the part on family-friendliness is basically all related to employment policy. Therefore, to properly address the issue of family-friendliness, the key lies in the Labour and Welfare Bureau. If

only the Labour and Welfare Bureau is determined to formulate relevant policies, I am sure the issue of family-friendliness in Hong Kong can be improved greatly. What the policies from the Home Affairs Bureau can do is to bring an additional bonus.

Deputy President, insofar as a family-friendly policy is concerned, nothing can be more important than work-family balance. Legislation standard working hours is an indispensable measure in a family-friendly policy. However, I find in the study report compiled by the LD on standard working hours that some specious arguments are advanced to say that the imposition of standard working hours will hamper the choice of working hours by employees. If this argument is tenable, will the LD have to criticize the bus companies for restricting the working hours of bus captains and their choice of working hours? In my opinion, I believe that in any civilized society, in any talk about the freedom of employees in choosing their working hours, there should be some premises.

I must point out that the prescription of standard working hours will not hamper the choice of reasonable working hours by employees. Standard working hours are set with the aim of not allowing employers to require employees to work overtime without any reward, hence the objective of reducing working hours and promoting family-friendliness can be achieved. It is regrettable to note that in a report on standard working hours compiled by the LD which is itself tasked with promoting family-friendly employment policies that the LD does not show a positive and affirmative stand towards legislation for standard working hours.

Deputy President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Deputy President, now it is almost in the middle or even the end of the debate that at last I have the chance to speak. I agree very much with all the criticisms made by Honourable colleagues on the Government and about these criticisms, no matter those made by Mr POON just now or by Mr KWOK Wai-keung, they are about some long-standing problems which we are all aware of, only that the Government has done nothing to address them.

Deputy President, ever since the reunification in 1997, wage earners in Hong Kong have faced unprecedented difficulties in employment. I had repeated discussions with the then Commissioner for Labour Matthew CHEUNG on the employment difficulties faced by workers suddenly in the course of economic restructuring as well as the problem of in-work poverty which people began to talk about, and what the Government should do to cope with it. There are many problems associated with in-work poverty and they are closely related to the family, working couples, the elderly and children. If every family is like the case in the past when no one should be afraid of losing his or her job and workers could discuss with their bosses on pay rise and overtime compensation because they had the bargaining power and the right conditions, then they would not be as miserable as they are now.

I remember very well that during the reunification in 1997 when Miss Jacqueline WILLIS was the Commissioner for Labour, and after her, I had always been saying to Secretary Matthew CHEUNG — he was then still the Commissioner for Labour — that if the Government did not address the problem of in-work poverty, many social and family problems would arise. Many Honourable colleagues have talked about these kinds of problems earlier. They are all very practical problems. I think Mr POON has put it very well earlier in that work in this area used to be the responsibility of one Policy Bureau, but now two Policy Bureaux are in charge of it. It is not known if three bureaux will be in charge of it in future and it will evolve into a collective responsibility system. Then in the end, no one will take charge of it.

Deputy President, you are a businessman and you will never allow a situation where no one is in charge to arise. But it seems that it is exactly what the present Government is doing. If you ask me, I will definitely try to get to the root of the problem. I will ask how come families now have to face so many problems. I am sure that since the Deputy Secretary sitting here is a woman, she will know perfectly well how annoying it is when the husband and wife have to work at the same time for long hours and no one can take care of their children and the elderly in the family. What is more, they may have a problem in finding jobs. Then what should the poor people do? What should their families do? Many problems are bound to emerge. The Government says it is not right to leave children alone at home and parents who do so will be punished. I have to ask the Government, what parents will want to leave their kids at home? I am sure only a very small minority of people are that irresponsible. Most of them

who do so are doing this out of sheer reluctance. It is because the couple has to work and so the kids are left at home. When the old folks are sick and need to see a doctor, their sons and daughters will want to go with them to seek medical consultation. But they cannot take leave because if they do so, they will be dismissed by the bosses at once. I have seen a countless number of such examples in the communities.

Moreover, the current government policies are not proper. Because of the so-called well-off tenants policy, many elderly people who want to live in the public housing estates are driven away by their children. If they want to take care of their parents or go with them to see a doctor, it is not possible for them to do so. Has the Government ever reviewed this kind of policies which is so unreasonable? If the Government really wants to promote a family-friendly policy, then every Policy Bureau will have to do some self-reflection. If it is found that adverse impacts are created by certain policies, then they should be corrected. If the Government and Chief Executive LEUNG Chun-ying are really determined, they should face up to each and every problem found in the Policy Bureaux. I am not saying that all such problems should be fixed at once because we have been talking about these problems for so long and we are in no hurry to solve them hastily at once. I just wish to point out that officials like the Secretary for Home Affairs and the Secretary for Labour and Welfare have actually not addressed these problems at all. They do not take our words seriously, thinking that we are talking nonsense. Things remain unchanged after they have listened to our speeches. Then when some international visitors come here, the Government will say to them that some comprehensive policies have been introduced here and they are superb. But all these policies cannot reach the crux of the problems. Can you tell me which policies can target at the problems? A most common problem is leaving children alone at home. Has the Government provided enough child-minding facilities? I have been discussing this problem ever since my thirties, but the problem remains not solved to date. Is it not ridiculous? When I was in my thirties, my colleagues in the FTU about my age and who got kids were facing this problem of child-minding. They were all very upset. I went with them to see the lady councillors at the Office of the Members of the Executive and Legislative Councils. My colleagues were very upset. But the problem is still there. I am now 60 years old. The child-minding problem is still being discussed. I would like to say to Members in support of the Government: You should all think about this and do not vote us down whenever you hear demands made by the

labour sector like collective bargaining, standard working hours and seven days' paid leave, and so on. We should look at the policies we have had and ask ourselves: What kinds of policies has the Government introduced to assist the poor families?

Poverty causes all sorts of miseries and numerous social problems. Members sitting here know about them very well. It is often the case that the Government will only start to handle cases when bloody incidents have happened, like someone jumping from a building, committing suicide, becoming depressed, and so on. Honestly, if I were a newcomer to this Council, I might be very interested in discussing some new issues. But as senior Members who have kept an interest in this kind of social policies for a long time, we are really very sad. Deputy President, I am so sad that originally I planned not to speak today. But I cannot help speaking up. When I was not in the Chamber earlier, I was still listening to the speeches made by Members. I felt really outraged at the speeches made by the two Bureau Directors. Ever since I have followed up labour and welfare issues, women's issues If you ask me about my background, I would say that I began as someone who was concerned about women's rights and I often went with colleagues in the FTU to recount the problems faced by women. Now the Government is still telling me that it wants to examine the family-friendly policy in its bureaux. How can I ever trust it? I do not trust the Government. It must tell me that it will really do some work and it will not window-dress problems to pacify the international community and then bully the Members to force them to abstain at the vote. I really very much angry about this.

Deputy President, originally I was not that angry. But I am really frustrated. Ever since I was young I have been fighting for this and I know very well the topic under discussion today. It conjures up all sorts of scenes before me. If you go about asking some people affected by the problem of in-work poverty, the housewives, husbands and elderly people, you will find that they have great grievances. For if not, Hong Kong will not be like what it is now.

Deputy President, I so submit.

MR ALBERT CHAN (in Cantonese): Deputy President, if we want to talk about how to promote a family-friendly policy in a positive manner with a government

which lacks in humanity and is devoid of human nature, it is just like asking for something impossible. This is because the entire Government is heavily tilted towards the hegemony of the financial and real estate sectors and it is working only for the interests of these people instead of the grassroots or the general public. This is a tilt of the system, an inevitable outcome of elections by a small circle. Those 1 200 members of the Election Committee responsible for nominating people to take part in the small circle election are all those rich and powerful. If we want these rich people like LI Ka-shing to sell properties at a cheaper price or ask him to help those dock workers, it is like murdering all of his family members. A multi-billionaire may give away \$1 billion very easily. But those dock workers are leading a pitiful life. Buddy, when you work on a crane for more than 10 hours a day and when you do not even have a place to answer calls of the nature, how can you expect to lead a family-friendly and peaceful life? When the workers are deprived of the basic rights, this Government of ours is nowhere to be seen. When a labour dispute happens, this Bureau Director of ours only comes out once in a while and says something. He has totally neglected the basic rights of the people.

Deputy President, please look at the figures. The number of working poor reached 668 000 last year. As we look at the public housing policy, crowded households have to reach a standard of each person taking up less than 5.5 sq m of space, that is, less than 60 sq ft, before they can be rehoused in a larger unit. We always receive complaints from people in the districts. They come to us in tears, saying that a family of four only lives in a unit of some 240 sq ft and there is only one bedroom and the two children have grown up. May I ask the Secretary how people can have a harmonious family under such circumstances? The Secretary for Transport and Housing is not here. This Anthony CHEUNG is always hiding.

Leaving aside the question of harmony, the living environment is very important for a family if it wants to minimize conflicts. But in some units, after they are occupied, the washrooms there cannot be used. In the past I used to pose this question to LAU Kai-hung, the Deputy Director of Housing at that time. I said I wanted to go with him to Tin Yan Estate and live there for a day and see what the conditions there were like. But he turned me down. If the living environment is so terrible, how can we expect the relationship between family members to be amicable and conflicts can be reduced? The housing policy of the Government has always been very harsh. The result is that 170 000 people

have to live in those subdivided units. Some of those people living in subdivided units live there because their homes are too crowded and it is impossible for them to live with their family members. So they have to move out. But after they have moved out, they have to live in bad conditions.

How can they measure up with those Bureau Directors and the rich and powerful? For those rich and powerful, like our Chief Executive who lives on the Peak but still complains of the size of his home, a stately mansion of quite a few thousand square feet is still too small. So he had to dig an underground cave of some 300 sq ft to 400 sq ft. And as of today, he has not filled up the cave again. He is in such a high position and he wields so much power, yet he has dug a cave of some 300 sq ft to 400 sq ft and for as long as half a year he has not filled up the cave. And he pretends to be generous and grows vegetables and treats the old folks to them. Instead of pretending to be kind and generous, he should provide the elderly persons with a better and more spacious living environment. What he has done is something which cannot give any practical help to the old folks at all. He pretends to be very much concerned and cares for them. But if we look at his policies, we can only see that they are harsh and that the Government is heartless. The result of all these is that some 600 000 people can be classified as the working poor and more people are living in tiny units and a family of four has to live in a unit with an area of some 240 sq ft. Therefore, if our housing policy is not improved, it is an impossible dream for people to ask for better living conditions.

We can take a look at the income ceiling for public rental housing (PRH) applicants. It is \$18,000 for a family of three and \$22,000 for a family of four. Come to think about this. If there are two or three people working in a family of four, it is almost inevitable that the family has to pay double rents. Many young people have to move out because they want to avoid paying the double rents. But when they have moved out, their status as PRH tenants will be cancelled. This policy is very unfriendly *per se*, right? This is also a housing problem.

Now the Government has made an arrangement for the Secretary for Home Affairs and the Secretary for Labour and Welfare to give replies. But it is housing policy and the problem of poverty that determine whether or not a policy is family-friendly. So it is the Chief Secretary for Administration and the Financial Secretary who should speak in reply and they should talk about how

resources can be distributed and redistributed so that the people's income can be improved and their families given proper treatment.

Many people have talked about the issue of paternity and maternity leave. In Hong Kong, the relevant policies are not family-friendly. In other places such as Canada, the leave there is one year and the child's father and mother can decide how the leave is to be taken. It can be six months' paid leave for both the father and mother, or it can be nine months and three months respectively for each one of them. Or even one of them can have 12 months of paid leave entirely to his or her own. So the couple can decide which one of them should take the leave to benefit the family better. I consider only this kind of arrangement is a family-friendly policy.

Also, the minimum wage is still \$30 an hour and when people can earn only \$30 by working an hour, how can this be family-friendly? Earlier on when I was on my way here from Tsuen Wan, I met an elderly person who worked as a cleaning worker. He complained to me in tears that he could only make some \$6,000 a month. The rents alone take up \$3,000 and he did not know how his family could cope. Facing this kind of financial hardship, it is difficult for people to feel that the Government is being friendly to them. When the Government does not prescribe any maximum working hours, it is even harder for it to convince people that it is being friendly. When people have to work for more than 10 hours a day, how can they take care of their families? I can therefore say that this Government exploits the working class and it is unfriendly to the families (*The buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Speaking time is up. Please sit down.

MR ALBERT CHAN (in Cantonese): Deputy President, you do not have to be so rude.

MR TOMMY CHEUNG (in Cantonese): Deputy President

MR ALBERT CHAN (in Cantonese): Deputy President, please show more respect for other people.

MR TOMMY CHEUNG (in Cantonese): Before Mr Albert CHAN leaves, I would like to say that his speech makes me feel scared. It has nothing to do with whether or not the Deputy President is rude.

MR ALBERT CHAN (in Cantonese): This is because the Deputy President made that remark in an unfriendly way.

(Mr Albert CHAN left the Chamber)

MR TOMMY CHEUNG (in Cantonese): People are really frightened of hearing him talk about paternity leave lasting as long as a year.

Deputy President, the original motion contains many recommendations on promoting family-friendliness, ones that I find all the more justified and reasonable. As long as the Government can offer a bit of resource support, their implementation will not be difficult. However, speaking of the original motion and certain amendments, some Members have sought to make use of the topic under discussion to include in the original motion and their amendments those labour-related legislative proposals which are still highly controversial with sharply divided views in society. Regarding those arrangements actually not in great dispute, including maternity leave of 10 weeks, they now even go so far as to demanding its extension to one year. I do not oppose any additional labour welfare, only that in my view, we should be pragmatic and resort to employer-employee negotiations based on the actual environment and affordability. I am most frightened of hearing any casual requests for mandatory legislation, as it will only increase employers' expenditure across board just for the sake of increasing.

Now, the original motion proposes to increase the number of paid statutory holidays, and workers' representatives likewise request a rise in compensation to employees for working on holidays, an extension of paternity leave to seven days, and also the prescription of standard working hours. And, just now, Mr Albert

CHAN even demanded the provision of full-year maternity leave with full pay. The next motion for discussion is about the right to collective bargaining, and there are so many issues to be discussed. True, it will be best if employers can pay all the costs, but then what if employers are unable to cope? I doubt whether family relationship can be improved, as mentioned in the motion, if people can spend all the time with their family members at home because they are out of work with no income.

If things can be carried to such extremes, we might just as well require employers to pay the costs and allow parents to take paid leave during the time when their children have the greatest need for their parents' personal care at the age of one to three. Deputy President, is this what we want to see? Do they mean that in the name of promoting family-friendliness, everybody can repeatedly demand additional labour welfare regardless of the overall situation? And, why are employers the ones to foot the bill? Those recommendations do not simply require the Government's deployment of resources or allocation of additional resources. Rather, their implementation will increase operational costs and undermine the labour force, productivity, and so on, thus producing a domino effect on the Hong Kong economy.

Who is going to foot the bill anyway? Only employers of large companies? In fact, small and medium enterprises (SMEs) or micro-enterprises likewise must pay. Do they want to see us running small businesses with the help of all our family members only, including wives and children, due to our failure to recruit employees? Is this what family-friendliness is all about?

The minimum wage has served as a lesson. It has exerted immense pressure on SMEs. The catering industry is an industry of small profit margins. A survey conducted by the industry finds that following the commencement of the first minimum wage rate in 2011, the industry has faced not only an 11% increase in staff costs but also waves of price increases on the part of its service contractors due to the chain effects of the minimum wage, with the average rate of increase reaching as high as 12.1%; and, with the minimum wage in force, at least 8% of the companies must cease operation, reduce the number of their branches or downsize their operations. According to the Government's 2011 statistics, small and medium food establishments generally cannot make any profits after deducting depreciation costs and tax payments. This is particularly

the case with small and medium Chinese restaurants, the business of which is generally in a deficit position.

The rise in the minimum wage level to \$30 per hour just last month will lead to an estimated increase of about 5% in the staff costs of the catering industry. Small and medium food establishments with negative profits have no idea how they can cope, fearing that any price rises will arouse people's discontent, and that they may not be able to compete with large restaurant chains. I do not understand why the representatives of the business sector in the Minimum Wage Commission did not stand firm against any upward adjustment of the minimum wage.

Deputy President, some people describe the inclusion of all public holidays other than Sundays as paid statutory holidays, a recommendation in the original motion, as a mere increase in the number of paid statutory holidays by five days in essence without causing any profound impacts. However, I must ask what the grounds for such increase are. A comparison of the number of paid statutory holidays alone reveals that Hong Kong is no worse than other major international cities in Asia. In the case of Singapore, for example, its number of paid statutory holidays stands at 11 days, still one day less than Hong Kong. Even speaking of paid annual leave, Singapore is the same as Hong Kong with seven days. Therefore, I would say that Hong Kong's basic holiday protection for employees is actually better than Singapore.

What is more, people enjoying statutory holidays (also known as "labour holidays") are mainly those in the services industries who take care of people's clothing, catering, accommodation and transportation needs, and such industries are closely connected to our daily living. Hence, they are generally asked to take leave on labour holidays as a kind of minimum protection. On the contrary, those enjoying public holidays are mainly civil servants and employees in organizations and companies with frequent contacts with civil servants. So, I would say that the two kinds of holidays differ in their designated targets and industries and cannot be mentioned in the same breathe.

In addition, the Government as an employer must set a good example by providing its employees with remunerations better than the basic protection under the law for the purpose of encouraging employers with the means to follow suit. Secretary Matthew CHEUNG is certainly present here. I always oppose the

Government's use of such labels as "good employers are those who can make it; unscrupulous employers are those who cannot", and "family-unfriendliness" now under discussion. In my view, such remarks are not sensible.

As a matter of fact, the number of labour holidays in Hong Kong has been on the rise, with intermittent increases from the initial six days a year to 12 days in 1999. This is actually the consensus reached by the representatives of employers and employees in the Labour Advisory Board (LAB) through detailed discussions in the process. Therefore, we should continue to respect this established and proven mechanism for negotiation. As a reasonable practice, any addition or otherwise of labour welfare should be preceded by negotiations among the representatives of employers and employees in the LAB based on such factors as the reality and economic environment and under the principle of balancing the interests of various sides.

Deputy President, the past few years have seen the increasing tilting of the Hong Kong market and a continued shrinkage in the opportunity for upward mobility. But sadly, many social demands are put forward in disregard for the actual economic environment, and their outcomes have continued to add to the burden of business operation and make the market rigid and inflexible. SMEs, which are most capable of promoting upward mobility, are among the first to bear the brunt. If all this persists, things will only backfire, and society as a whole must suffer the repercussions that gradually emerge.

What else can Hong Kong rely on in the time to come? We must not rest on our laurels for too long. As I said last week, people already perceive Hong Kong's third position in global competitiveness as poor performance. Do we really want to see a drop in Hong Kong's ranking to the third from last, or even its exclusion from the ranking altogether?

Deputy President, I so submit.

MR MA FUNG-KWOK (in Cantonese): Deputy President, it is generally recognized in traditional Chinese communities that only a family with children is considered a complete family. A family with four generations living under one roof and lots of children and grandchildren in the house are the ideal model of family pursued by traditional Chinese societies. However, if we look at the

actual situation in Hong Kong, we will see that the reality is exactly the opposite of the ideal. According to the findings of a survey published by the Family Planning Association of Hong Kong recently, despite a strongest desire for childbearing among local women over the last two decades and that over 50% of the respondents hoped to give birth to two children, the average actual parity continued to decline over the past decade to 1.24 children.

There may be a lot of reasons for a couple to ultimately choose not to have children. It must be stressed that childbearing is a personal choice which should be respected. But if many couples do not wish to give birth or even do not dare to give birth because of objective socio-economic reasons, that would be a question of public policies rather than one of personal choice.

The New Century Forum conducted a survey on women's desire for childbearing in early May. The findings showed that over 40% of the women respondents considered that factors affecting their desire for childbearing included heavy financial burden, heavy workload, impertinent government policies to encourage childbirth and inadequate support from employers. The fertility rate in Hong Kong has, without us noticing it, dropped to the 222nd place among 230 countries and regions in the world. The consequences of a low fertility rate to society include population ageing, an increased dependency ratio, and a drop in the labour force and the problems arising from it. The Government must address the situation squarely.

The long working hours of wage earners in Hong Kong are notorious worldwide. This is why it is extremely difficult to strike a balance between the contrasting needs to work and look after the family. Apart from the employers, this is also the unshirkable duty of the Government. The New Century Forum survey also found that over 40% of the respondents considered that the Government should encourage childbirth and that this is a major direction for addressing the problem of population ageing. However, the survey also found that as many as 60% of the respondents were of the view that the Government has done little in respect of the policy to promote childbirth.

I think the authorities must assess and review the existing policies and duly make improvements in five aspects, which include the tax regime, legislation, child care services, upgrading of community facilities, and encouraging the implementation of family-friendly policies by the business sector. We must pay

attention to the fact that many middle-class families have given up their childbearing plan because of the heavy financial burden and think about ways to alleviate the financial burden of the families. Although the Government has proposed in this year's Budget that the tax allowance be increased from \$63,000 to \$70,000 for each eligible child, in view of the ever rising expenses for taking care of children, how can an allowance of \$70,000 a year be adequate? Since the Government encourages the public to give birth to three children, can it consider putting in place a more progressive system, such as linking the amount of tax allowance with the number of children?

(THE PRESIDENT resumed the Chair)

In respect of legislation, the provisions on maternity leave and paternity leave in Hong Kong are easily dwarfed in comparison with other advanced or backward regions or countries. In this connection, I agree with the amendments of Dr Helena WONG and Mr KWOK Wai-keung which propose to speed up the pace of legislation on paternity leave and increase the maternity leave to 14 weeks as recommended by the International Labour Organization in the Maternity Protection Convention in an effort to encourage childbirth.

President, child care services are comparatively easy to handle but the Government has been doing just the opposite in its policies. It has been learnt that the Social Welfare Department has decided to close some day care centres for the reason of low utilization rate. But according to the survey conducted by the New Century Forum, the utilization rate is low because the locations are inconvenient. Besides, insufficient places have resulted in long waiting time and eventually made some people give up, and it is also because the service hours do not meet the actual needs of dual-income parents. It is absolutely not because the demand for the service is on the low side. Therefore, the Government should make adjustments to the locations of these centres as well as the number of places and service hours in the light of the actual situation.

As regards family-friendly community facilities, such as baby rooms and family restrooms, it is necessary for the Government to review the adequacy and effectiveness of the existing guideline-based measures, including the Advisory Guidelines on Babycare Facilities and Practice Note on the Provision of Babycare

Rooms in Commercial Buildings, and explore ways to improve the complementary facilities, in order to make it convenient for parents to take care of their young children.

The last is to identify incentives for the implementation of family-friendly measures by the business sector. Many employers hold that these measures may in one way or another increase their operating costs. However, I think a coin always have two sides. On the contrary, these policies may greatly benefit society and even reduce the financial commitments of the Government. It is worthwhile for the Government to dedicate efforts and time to study and implement a comprehensive and properly-enforced family-friendly employment policy.

From the angle of employees, they certainly hope to work flexible hours and a five-day week and be granted family leave, so that they can attend to work and family commitments at the same time and distribute their time more effectively. Will these policies really affect companies or enterprises very seriously as cautioned by some employers? From the experiences of some companies which have implemented a five-day week, there has not been a significant increase in costs but on the contrary, the staff morale, work efficiency and the company's business have all been improved. Therefore, it is indeed necessary for the Government to step up publicity efforts in this respect.

Certainly, some small companies with less employees may be affected to a larger extent and for this reason, the Government must provide appropriate support to them. For example, Ms Starry LEE proposed in the original motion that companies should be encouraged to provide staff with child care services, which is a well-intentioned proposal. If the Government can provide incentives to companies in tax concessions, rent allowances, and so on, I believe the policy can be taken forward more effectively.

In the final analysis, President, to enable the discussion on a family-friendly policy to be more meaningful, the prerequisite is that the people are willing to give birth and to build a complete family. I urge the Government to adopt a "family-based" mindset and actively implement various family-friendly policies to encourage childbirth and ensure the healthy development of families. Thank you, President.

MR KENNETH LEUNG (in Cantonese): I am the father of two kids aged 14 and 10 respectively, and I am an employee and also an employer. So, I would like to put forward some objective views on this topic. As I said this morning, Hong Kong seems to have become a city with competitiveness but no ability of reproduction, whereas the people have the desire for childbearing but no sex drive for reproduction. This is absolutely pathetic. Therefore, I agree with the general direction of the original motion and the various amendments, urging the Government to step up efforts to promote family-friendly policies.

First of all, as we talk about "family-friendly", what exactly is the definition of "family"? The concept of "family" changes with time. A traditional family is mainly based on marriage and blood relation, but it is indeed rare to see a family with several generations living under one roof nowadays. Delayed marriage and the gradual rise in the number of people who choose celibacy, a higher divorce rate, and an increase in the number of core families with fewer children are factors that have changed the traditional family relationship. There are many types of non-mainstream families, including single families, single-parent families, cohabitating families, homosexual families, families with adopted children, and remarried families in which the couple lives with children from a previous marriage and even children with whom they have no blood relation. The uniqueness of non-mainstream families may oblige them to need special family support. Even in the setting of mainstream families, the caring of children, elderly, as well as family members with disabilities or illness will also require government and social support at different levels. I very much hope that the Government, in promoting family-friendly policies, can take a broader perspective and an open attitude to care for families of different compositions.

When it comes to family-friendly policies, we can actually look at them from two angles: First, the angle of legislation and second, the angle of policies. From the angle of legislation, many colleagues have mentioned earlier proposals relating to paternity leave, leave for taking care of newborn children, extending the full-pay maternity leave period, and so on. Many European Union (EU) countries have made a lot of arrangements for statutory holidays relating to family status. Many of these holidays are paid holidays and all the expenditure incurred are borne by their governments. While Hong Kong is an economy with a low tax regime and it is difficult to bring us on a par with Western countries, we can learn from the experience of foreign countries in implementing diversified

family-friendly policies and enact legislation on the provision of support to various types of families in the light of the actual situation in Hong Kong.

On the other hand, under the law of many EU countries, flexible work arrangements are allowed to be made for employees to take various kinds of leave for family reasons under specified circumstances. For example, when an employee needs to take special care of his or her family member who has fallen sick or has an accident, the employee can apply for leave but such leave is basically unpaid.

With regard to the relevant legislation currently in force, I am particularly concerned about the enforcement of the Family Status Discrimination Ordinance. It has been 15 years since the enactment of the Ordinance, but I have seldom seen the Government adopt any proactive measure to facilitate enforcement, and little has been done in terms of education and publicity.

Legislation aside, I would like to talk about policies and measures. Child care services are most important among the many policies and measures. According to the figures provided by the Society for Community Organization at the end of last year, crèches and full-day services in child care centres charge a monthly fee of as much as \$4,500 excluding lunch, which is almost as much as it costs for hiring a foreign domestic helper. Moreover, the care hours are grossly inflexible and the cost is still on the high side even for care service of older school children. Therefore, many women can only take up part-time jobs, or they are always worried about being subject to discriminatory treatment because they cannot work overtime. All these have created difficulties for women in employment while society is also losing the productivity from these women.

To promote family-friendly policies in Hong Kong, apart from the role of the Government, corporate social responsibilities are also very important. Take a major employer in Hong Kong, The Hongkong and Shanghai Banking Corporation Limited (HSBC), as an example. The HSBC has set up child care centres to provide child care services for its employees, in order to ease the burden of employees and make them more committed to work. Certainly, I understand that not all the enterprises have resources as abundant as those of the HSBC. But if the small and medium enterprises or tiny businesses do not have

the resources, the Government must adopt more measures to help these enterprises, so as to enable them to implement family-friendly policies.

All in all, to facilitate the more proactive and extensive provision of a family-friendly environment and family-friendly services by enterprises and social service organizations, the Government absolutely has the responsibilities and a role to play. Specifically, first, its support for family care services can be strengthened and broadened in terms of the fees or service periods. Second, it should offer full and immediate tax deduction for expenditure incurred by enterprises in providing family-friendly facilities. Third, it should more actively encourage enterprises and the industrial and commercial sectors to make various flexible work arrangements, such as implementing job-sharing among colleagues, increasing part-time posts and encouraging the option of "work from home", so that the productivity of more women and grassroots can be released more easily.

President, I so submit.

DR CHIANG LAI-WAN (in Cantonese): President, I think the Government has indeed done a lot in respect of parent-child education and family-friendly policies in recent years. For example, the Labour and Welfare Bureau has introduced some family-friendly employment policies and measures, and the Home Affairs Bureau, the Women's Commission and the Family Council have also made a lot of efforts. We cannot say that the Government has done nothing.

Having said that, I still feel that there is a missing piece. There is still inadequacy in early childhood education, parent-child education, the policies on infants and children, and so on. The work of youth counselling is also inadequate. In respect of the support for parents, I feel that something is missing too. Certainly, it is not the case that the Family Council has done nothing. I know that it has made an effort to introduce, among other things, the Parent Channel, the Parent Academy, the Academy for Parent Education, and so on. Even The Chinese University of Hong Kong has set up the eParent website to offer online courses for parents. However, I feel after all that these initiatives are not very "friendly" because first, all these are online resources and parents may not have too much time to browse them; and second, insofar as these academies are concerned, unless their members are taking up the courses on a

full-time basis Therefore, I think it is very important to provide parents with suitable education as assistance. Moreover, communication between parents and their growing children is also very important, especially for families with non-engaged youths or socially withdrawn youths. I think these problems warrant more attention from us, particularly as we all know that over the past few years, the youth unemployment rate is very high and so is their suicide rate. In 2010, the number of deaths as a result of suicide among young people aged between 10 and 19 increased by 43% over 2005 and as for the latest trend, we all know that the situation has even worsened from young people killing themselves to young people killing their parents. I believe after the two cases of children murdering their parents were revealed this year, many people and parents have felt sad and distressed.

As the old saying goes, "A father is at fault if his child is reared but not taught. A teacher is lazy if his pupil is not guided in a strict manner." Many people may at once think about whether there is something wrong with our family education and school education, but this is not quite the case according to some information. The reason is that, as we can see, the parents concerned very much loved their children and one of the young men was performing quite well in school. Then what exactly has gone wrong?

According to information from various sources, including the survey on social development and quality of life published by the Commission on Strategic Development, the Social Development Index, surveys conducted by the Caritas Family Crisis Support Centre, and the Hong Kong Family Happiness Index of the Evangelical Lutheran Church of Hong Kong, we can see that the kernel of the problem is just one word: Communication. There are problems with the way in which parents communicate with their children. As we all know, many parents are very busy every day. Even husband and wife do not have enough time to communicate with each other, not to mention communication with their children. But in some cases, even though the mothers are full-time housewives, their way of communication with their children is also problematic and they cannot communicate with their children. When the mother wishes to become a friend of his son in his Facebook account, she is even "unfriended" by his son. A friend whom I have not met for many years suddenly telephoned me one day, telling me that she did not know how to teach her son. My friend, who is a housewife, said to me, "I will give you my son if you know how to teach him". I understand that she was saying this in a fit of pique, but from this we can see that

while it is certainly a problem when they do not have sufficient time for communication, the skills and ways of communication are an even bigger problem. I think it requires great wisdom to resolve the problem. Why? How can we resolve it? Chinese people have a history of teaching children for several thousand years, passing on their traditions from one generation to the next. While social civilization has been ever advancing, little have we noted that technology has developed continuously and rapidly over the past two or three decades that there are inventions that this generation of people had never thought of a decade or two ago. The wisdom of the new generation is ever growing, and their way of thinking has made quantum leaps. They are much wiser and become mature much earlier than the last generation. Therefore, if parents stick to the traditional approach in teaching their children, I think they are bound to run into a lot of walls.

I have just asked Secretary Matthew CHEUNG a similar question. He told me that there are now parent-teacher associations to forge better co-operation between parents and schools. This, I understand, Secretary, but you must know that very often, teachers can only communicate with parents over things that happen in school, telling parents what the school has taught their children. But as for the way to communicate with children, the teachers may not know how to teach parents in this respect. We, therefore, hope that the Government can consider one point. We have trained teachers to teach students and we have trained social workers to provide counselling service to the youth. Likewise, we must channel resources to training parents how they should teach their children. The Government must treat parents equally because the role of parents is most crucial to bringing up their children well or otherwise.

I understand that many parents do need help in society nowadays. Therefore, we urge the Government to make consideration from a family-friendly perspective, targeting the problem by studying, for instance, the proposals put forward by Ms Starry LEE earlier of allocating resources to set up a fund for families or providing specialized counselling services for parents. I so submit.

MR CHAN CHI-CHUEN (in Cantonese): President, the topic of this motion today is "Actively promoting family-friendly policies". Like the motions on "Enhancing the overall sustainable competitiveness of Hong Kong" and "Maintaining a business-friendly environment in Hong Kong", the wording of this

motion states a universal truth that does not attract too many contentions. We can expect this motion to pass even without a division being claimed at the vote. Having said that, in the original motion of Ms Starry LEE, there are a few points which I do not agree.

First, it is the preamble. I agree that we should not let tragedies teach the Government what it should do. In other words, the Government should not take actions only in the wake of tragedies. For example, the Government should not admit that its policies are biased and inadequate or seriously conduct a review only after a newly arrived single-mother has jumped to her death with her children.

Ms Starry LEE mentioned in the preamble of the original motion "the occurrence of a number of family tragedies in Hong Kong in recent years". However, we cannot infer that the occurrence of several family tragedies has "reflected the existence of many unhealthy trends in today's society". From Ms Starry LEE's speech earlier on, I cannot figure out what she means by "unhealthy trends", and I cannot see how the "unhealthy trends" as referred to by her will be "gradually breaking up, damaging and distorting the social and family relationships".

Fortunately, of the five Members who have proposed amendments, Dr Helena WONG and Mr CHEUNG Kwok-che have deleted the words "reflected the existence of many unhealthy trends in today's society gradually breaking up, damaging and distorting the social and family relationships" in the preamble of the original motion.

The original motion proposes nine high-sounding measures which seem to have covered all aspects. But will there be the case of "not seeing the wood for the trees" as mentioned by some Members earlier on? That is, will measures be taken only in areas where problems have emerged? For example, has there been an increase in the cases of domestic violence? Go and increase outreaching and support services! Have there been less parent-child activities? Go and set up a "social fund for families" and organize more education programmes and activities to step up publicity! Are there many dual-income parents? Go and expand child care services and even encourage organizations to provide on their own child care services and implement flexible working hours and also improve community facilities to provide families with more room for parent-child activities!

All these show that the measures seem to be quite sufficient in terms of quantity and this should really be moving people to tears of gratitude, just as the Government's promotional advertisement says, "The SAR Government attends to all your family needs and takes care of you in every possible way, ensuring a loving and caring parent-child relationship". But if Members have seriously reviewed the proposed measures, they will find that six or seven out of the nine measures are no more than quick-fix palliatives to "treat the head when the head aches and treat the foot when the foot hurts". All this reflects the Government's failure to thoroughly formulate family-friendly policies in Hong Kong and understand the problems encountered by families.

Not having enough time is the biggest problem faced by families. As the saying goes, "one cannot make bricks without straw". When there is not enough time, how can family relationship improve? The cases of domestic violence have increased because family members are under enormous work pressure and do not have enough time for rest and communication. Families seldom have parent-child activities also because they do not enough time. Even if the authorities provide more courses and resources, family members will still not have the time to take them. Besides, the demand for child care services is huge in society also because parents have to work overtime or the working hours of their part-time jobs are too long. Even if the Government provides more parent-child facilities, family members will still not have the time to use them. All these boil down to the lack of time.

In the final analysis, any discussion on family-friendly policies would be difficult if we evade the question of standard working hours. Of those Members who have proposed amendments, Mr KWOK Wai-keung and Dr Helena WONG have realized the thrust of the problem and therefore proposed in their amendments the enactment of legislation on standard working hours. Without standard working hours, there is no way to discuss any family-friendly policy which aims to thoroughly improve the relationships between family members.

I have reservations about another point in Ms Starry LEE's motion and that is, item (3) of the original motion which proposes "to enhance the functions of the Family Council, and set up a 'social fund for families' to subsidize social welfare organizations to organize programmes and activities related to family education". Seldom have I sung praises of Dr Helena WONG, but I must do so here because she has deleted a greater part of item (3) in her amendment and replaced it with

"clarify the functions of the Family Council and seriously address the emergence of diversified families and their needs, and promote a culture of mutual respect and tolerance towards differences".

I have very strong views against item (3) for two reasons. First, as I have just said, even if more courses and activities relating to family education are organized, who will have the time to take part in them? Second, she proposed to set up a "social fund for families", but what organizations can benefit from it? Will it be like the \$5 billion fund for environmental protection set up some time ago? Many green groups have told me that they could not apply for subsidies from this fund.

Any discussion on family-friendly policies will inevitably touch on the definition of "family". Although no consensus has yet been reached in society today, these policies must be discussed from a broader perspective. I do not intend to spend time discussing whether two men or two women can be considered a family, but the Court of Final Appeal has already made a ruling that a transgender person has the right to marry and establish a family. I hope that the Bureau will expeditiously kick-start the legislative amendment exercise for transgender persons to establish a family openly and justifiably.

Disregarding whether or not Members accept that homosexuals can establish a family, there is no denying that there were cases in which the children in families established by heterosexuals were abused and even driven away from home because they were found to have a different sexual orientation of being homosexuals and they had nowhere to turn to for assistance in many cases. There were also cases in which a transgender person was driven away after being found out to have undergone a sex reassignment surgery by the person's mother but was rejected by the places of refuge for men and by those for women alike. As a result, the transgender person had to sleep on the street. Issues relating to gender identity and sexual orientation must be addressed squarely in our discussion on family-friendly policies.

The question highlighted by me just now is not purely a question of moral values, but a question which is most practical. Parents often feel extremely upset and yell in anguish on learning out of the blue that their children have different sexual orientation or they have "come out of the closet". May I ask which government department can provide assistance? Is it the Labour and

Welfare Bureau, the Constitutional and Mainland Affairs Bureau, or the Home Affairs Bureau?

MISS ALICE MAK (in Cantonese): President, the subject of today's discussion is "Actively promoting family-friendly policies". Women are carers of families. As more and more women choose to work, women have to play the roles of family carers and employees concurrently. According to the statistics of the Government, in the first quarter of 2013, women account for 48.68%, about 1.8 million, of the 3.7 million labour force. In the face of long working hours, heavy work load and mental stress, women fail to cope well with their family status, which has indirectly led to family tragedies like family violence, child neglect, elderly abuse and suicide, and so on.

As a saying goes, "Harmony in family brings prosperity, disputes in family bring disgrace". The Government has to make stronger efforts in promoting family-friendly policies, enhancing family cohesion, restoring mutual love among family members, and building up positive family values. In the formulation of policies, the Government should give full regard to the problems now faced by women, particularly in the formulation of family-friendly policies, it should include women-worker-friendly employment measures, which I have mentioned a number of times.

First, at the last Chief Executive's Question and Answer Session, I asked the Chief Executive whether he would give a present to mothers by replacing the four-fifth pay maternity leave with full-pay maternity leave. Regrettably, his reply was utterly irrelevant. I do not know whether it was because he did not know the law or because he did not understand women's rights. The Secretary is in the Chamber now, and I believe he is well-versed in the Employment Ordinance, and the Policy Bureau led by him is responsible for women affairs. I hope the Policy Bureau under his purview will take the lead to review the existing Employment Ordinance and add family-friendly measures to the Ordinance, so that the existing four-fifth pay maternity leave will be replaced by full-pay maternity leave and the duration of maternity leave will be increased from the existing 10 weeks to 14 weeks.

Members may have noticed that many female employees have to take no-pay or paid annual leave upon the expiry of their maternity leave to continue

fulfilling their responsibility of taking care of their newborn babies. The Government has been actively promoting breastfeeding, yet we all know that breastfeeding obliges mothers to spend long hours taking care of their children. It is true that breastfeeding mothers are now helped by new technology, yet we still hope that the policies of the Government in various aspects will match better with the extension of the duration of maternity leave, including the promotion of breastfeeding, for the policies concerned are closely related and intimately linked.

We now face a great problem, that is, how to ensure the protection against dismissal for women during pregnancy. They are facing loads of problems. I have received many complaints from women in a year, stating that they are dismissed the very next day they resume duty — just the next day, very dramatic. In other words, if they returned to office yesterday, they would receive a dismissal letter today. On what grounds are the dismissal made? It was made on the ground of their poor performance.

Those women might have worked in the company for five to 10 years prior to their pregnancy, and their companies had never expressed dissatisfaction with their performance nor issued any warning letter to them. Nonetheless, those companies dismissed those women on the grounds of poor performance the next day those women resumed duty after pregnancy and delivery. After all, those companies are discriminating against women of their right to give birth. In view of this, the Hong Kong Federation of Trade Unions (FTU) proposes setting up a postnatal work protection period to spare women from worries and fears of dismissal upon resumption of duty.

I wonder if Members know this, for many of the Members present are men. I would like to tell them that women have to do antenatal check-ups during their pregnancy. In Hong Kong, pregnant women can have access to all kinds of antenatal check-ups given the advance in technology. However, doctors will only issue attendance certificates but not sick leave certificates to women receiving antenatal check-ups, which cannot be used as proof in applying for sick leave. For this reason, many women have to take annual leave for their antenatal check-ups.

Some women choose to cut down on the attendance of antenatal checkups to avoid taking annual leave, so that they may take more annual leave after their

maternity leave to care for their newborns. Does the Government want to see this scenario? On the one hand, the Government encourages women to receive antenatal checkups, hoping they will give birth to lovely and healthy babies, but on the other, it imposes policies prompting women to worry, causing them to adopt the evasive approach comparable to "cutting one's toes to avoid the earthworms" by reducing the number of antenatal check-ups. Women do so for the following reasons. First, they do not want to spend their annual leave. Second, they do not want to be discriminated against by their employers. They do not want to be dismissed by their employers upon resumption of duty on the grounds of poor performance due to frequent annual leave and maternity leave.

A Member asked earlier who would bear the cost of the demand for additional holidays and rights for women. I would like to tell Members that if the Government does not implement the relevant measures, society will have to foot the bill. Why? We once conducted a survey on women's mental health, and it was found that 37% of the interviewed women reported depression symptoms of various degrees. According to the studies conducted by universities and doctors and the deduction made accordingly, about 340 000 women are suffering from depression, and some women are at high risk for depression of various degrees.

Hence, if the Government still fails to introduce more measures, who would pay the price when women suffer from the heavy mental stress or other emotional and health problems? It would be our society. Do we want to see this happen? Do we want to see society bear the cost arising from all these problems? Instead of focusing on the small amount incurred for the time being, we should focus on the significant cost in the future.

I hope the Government will adopt more family-friendly measures as soon as possible, including family-friendly measures for workers.

Thank you, President.

MR FRANKIE YICK (in Cantonese): President, the number of marriages in Hong Kong has been dropping in the past two to three decades, but the number of divorces has kept rising. In 2011, there were on average 54 divorces in Hong

Kong every day, which was in stark contrast to the figure 32 years ago in 1981, which was six cases on average every day.

To families with children, separation will result in single-parent families. Children growing up in these families may easily live in the shadow, querying the relationship and trust among people, which is one of the causes of juvenile problems.

On the other hand, family violence cases in Hong Kong has been increasing at an alarming rate, where child abuse and spouse abuse cases recorded palpable increases for some time in the past. In 2011, there were 877 child abuse cases and 3 174 spouse abuse cases. The situation warrants concern.

In April this year, the Government announced the restructuring of the Family Council, where Prof Daniel SHEK Tan-lei from The Hong Kong Polytechnic University was appointed the Chairman. The authorities decided that with effect from 1 April this year, the approach of including family perspectives in the policymaking process will be further enhanced, and bureaux and departments will be required to carry out a mandatory assessment of family implications in formulating policies.

The Liberal Party welcomes this decision of the Government. We hope that the restructured Family Council will put forth new proposals and ideas in family-related issues, which will be implemented as soon as possible to render assistance to families, so that the Family Council will not merely be a public relations organization.

The original motion proposes enhancing the functions of the Family Council and subsidizing social welfare organizations, schools and organizations in organizing programmes and activities related to family education through the setting up of a dedicated fund. The proposal is worthy of recognition, and I think the effect will be satisfactory.

In fact, in May 2012, the Family Council introduced the Pilot Scheme on Family Mediation Service to subsidize organizations intent on providing family mediation service. The facts have proved that this type of schemes is effective. Hence, we hope that the authorities will redouble efforts and allocate more resources to assist these organizations in continuing to provide service to families in need.

The Administration should expand the contact coverage of existing social worker teams. In addition to the increase in manpower, the authorities should step up promotion of the spirit of neighbourhood mutual help and set up service hotlines to receive reports on problem families from their neighbours, relatives and friends. Given the crowded living conditions in Hong Kong, it is often easier for neighbours to identify whether their neighbours are experiencing family problems. If the abovementioned channel is reinforced so that welfare organizations may provide timely and highly effective support to families in risk of crisis early, I think the effect will be more desirable.

President, we should not neglect the disharmony faced by a large number of families in society, which are affected by problems like single parent, remarriage, cohabitation, children of the same father but different mothers, children of the same mother but different fathers, and even children of step parents sharing the same residence. The SAR Government may consider providing more resources to these families. It may consider adopting the district-wide pilot approach of setting up special social worker teams in districts like Tin Shu Wai and Tuen Mun where more family problems are found. These teams should be deployed and stationed at schools on a regular basis to assist students from dysfunctional families, and to help them by providing positive family education and imparting correct family concepts to them after school or during holidays.

Moreover, according to the information of the Social Welfare Department, there are less than 30 centres providing child care services at present, with only 2 000 places offered. Since most of the centres are charging a monthly fee of over \$5,000, their target users are mainly the middle class with greater affordability. As the majority of grassroots or families are earning a monthly income of less than \$20 000, they simply cannot afford such service. The Government should further expand the child care service in the community and increase the quota for child care service in various districts, so that dual-income parents will not have to worry about their children when they are at work. This will provide a suitable growing environment for children on the one hand, and provide the labour force urgently needed by society on the other.

Regarding the proposal in item (7) of the original motion of including all public holidays other than Sundays as paid statutory holidays, the Liberal Party worries that this will increase the operating cost of small and medium enterprises

(SMEs), so it should be implemented progressively on consensus reached through employer-employee negotiations as suggested in the original motion. On the premise of this principle, the Liberal Party supports the original motion.

As for the amendments by Mr KWOK Wai-keung, Mr WONG Kwok-hing and Dr Helena WONG, which propose the implementation of 14-week full-pay maternity leave, the enactment of legislation for providing men with paid paternity leave and for setting the number of standard working hours at 44 hours a week and the payment of compensation for overtime work at 1.5 times the normal pay, the Liberal Party will not support them, not only because society has not yet come to a consensus on these issues but also because these proposals run counter to our stance.

Dr Helena WONG mentions in her amendment that the authorities should "promote the construction of family-friendly unisex toilets in Hong Kong's public places (including hospitals) to facilitate family members of different sexes to take care of each other". We consider that unisex toilets may easily arouse confusions, so to pre-empt unnecessary embarrassment and inconvenience, it may be relatively feasible to increase the number of toilets for person with disabilities, or renaming those toilets to "multi-purpose toilets", or other better names, so that people with special needs and their family members may use those toilets.

President, I so submit.

MS CYD HO (in Cantonese): In the past, the British had a much easier job in ruling Hong Kong, and it did not have to spend too much on social welfare, for under the traditional Chinese family structure which held several generations together, family members would support each other. In addition to family members, fellow villagers, siblings and members of the same clans would also support each other. I would say that in terms of welfare expenditure, the British Hong Kong Government in the past might indeed count on the mutual assistance within families and clans, which had enabled it to save a lot of expenditure on welfare.

In the past, people in Hong Kong had a refugee mindset, aware that they needed to save themselves upon arriving in Hong Kong rather than relying on the British Government. The practice of mutual assistance was developed against this background. However, given the changes in society and culture, many

members in a family had to go out to work. Since they engaged in different occupations, they had adopted different lifestyles. As such, they could no longer live under the same roof and adopt the same lifestyle or follow the same timetable. Nuclear families thus emerged. Nowadays, nuclear families have their own lifestyles, it is necessary for each family member to have their own space.

As this sense of individuality grows in families, the spirit of mutual assistance among family members has weakened. We now have to reverse the trend by strengthening the mutual love and mutual support among family members. However, I hope the Government and the Member proposing the motion have put forth the proposal not out of the motive of reducing welfare expenditure. The strong bond among family members is priceless. The mutual support among family members is incomparable to any welfare service or paid services. Therefore, we should first remove the thought that mutual support in families may replace services incurring welfare expenditure. Otherwise, people will shift the responsibilities to extended families composed of several generations, and women at home will be left to take care of the elderly, children and the chronically ill. For this reason, I have to state it clearly that we must differentiate ourselves from those supporting the thought that family policies are introduced for the sake of cutting welfare expenditure.

In 2008, the Family Council introduced four policy agendas to strengthen family relationship. First, it is to get single young people psychologically prepared for marriage, so that they know what marriage is about. It is believed that with good psychological preparation, divorce will not come so easily. Second, it is about parental responsibilities — effective parenting. Third, it is about strengthening the relationship among family members. Fourth, it is about enhancing the importance of family in policymaking. President, I would like to talk about parenting in particular.

At the time when Donald TSANG was the Financial Secretary, we noticed from the budget that the expenditure item of parenting under school expenses was only \$2.6 for each student. In other words, not much could be done other than printing some leaflets. We strove for improvement in this respect. After that, the authorities allocated \$50 million for the implementation of a three-year parent education programme. However, the nature of this parent education programme changed soon after its implementation. The programme initially sought to teach

parents about effective communication with their children and rebellious teenagers, but the focus was soon changed to teaching their children to effectively cope with the suppressive education system.

Why has the relationship between parents and children become so tense nowadays? This should be attributed to the fierce competition under the present education system. For well-to-do parents, their children will be made to learn swimming and, after that, violin. Yet for grass-roots parents, they have to worry about how to earn enough money for their children to participate in extra-curricular activities and bringing them out by all means.

Moreover, parents need to know how to do researches, projects, dictation and composition. They have to learn everything, fearing that their children may fail the tests if they have not learnt all these in time. From childhood to adolescence, the relationship between parents and children has become extremely tense because of the need to cope with the homework from school. In this circumstance, when children grow up and can go out to find their friends, how will they be interested in communicating with their parents? Therefore, when we talk about maintaining good family relationship and good communication between parents and children, we should not merely blame the senior generation or parents for not knowing the current slangs of the new generation or do not know how to use the computer. In fact, the tense relationship among family members in many families should be attributed to other policies implemented by the Government.

Hence, I strongly support the part of the original motion stating that in the course of formulating family-friendly policies, the authorities should not only give regard to all the other policies but should also assess whether the policies are family-friendly. The authorities should assess the impact before introducing the policies.

President, I will naturally come to the point that families come in different compositions in this generation, including single-parent families, same-sex families formed by homosexuals in wedlock, single-child families, childless families, and singletons who have chosen to remain unmarried. In fact, we have the social responsibilities to take care of them. However, I have to reiterate one point. In the discussion on family policies, I am afraid the Government will focus merely on the mutual support among family members, which may take over

the Government's responsibility in providing social services, thereby favouring families of heterosexual marriage. In other words, families composed of a father, a mother and two children will be accorded the greatest attention, whereas single-parent families, families composed of homosexuals or childless families will be excluded.

President, I hope the Government will not adopt this utilitarian attitude in addressing the issue. Thank you, President.

MR TANG KA-PIU (in Cantonese): President, two Members from the FTU have proposed amendments to the motion. Naturally, most of the content is tilted in favour of the labour sector, hoping to strive for the interests and benefits of workers. However, colleagues holding different views will ask who will foot the bill.

Regarding item (7) of Mr KWOK Wai-keung's amendment, I asked him to be sure to include the following phrase in his amendment, that is, "require employers to raise the compensation to employees for working on holidays". Actually, the bill does not necessarily be paid in cash. If the Secretary, I am naturally referring to Secretary Matthew CHEUNG, will legislate to enable wage earners to have at least one Sunday off every month, I will not request extra compensation. It is acceptable if this can really be achieved.

Members in the service industries including bus drivers and workers in the sales and catering sectors have told us that they should never think about taking leave on Saturdays or Sundays, but their children would only have holidays on Saturdays and Sundays.

Hence, in the discussion on family-friendly policies, we are not to discuss standard working hours or increasing the number of statutory holidays to 17 days today. Yet in considering holidays or compensation for hours worked from the family-friendly perspective, I think we should return to the initial objective which the FTU also agrees. In addition to the principle that overtime work must be compensated, another principle to be considered is whether wage earners have the time to take care of their daily needs and family relationship other than work.

Let me cite an example which is still fresh in my memory. I hope that I can help a kaifong, Annie, here. She is committed to this cause. She calls me once every four years, for the election is held every four years. She asked me to reflect her family situation after I was elected. She is a single parent, who lives far away in Yat Tung Estate and works in a high-class fitness club in Tsim Sha Tsui. She is a single mother with a daughter. She says it is impossible for her to apply for leave, not on Saturdays and Sundays, and it is not even possible to take leave on Fridays. She has four days' leave every month and 12 days' statutory holiday every year, but other than during the summer vocation, she has no opportunity to have holidays with her daughter together. She feels sad and desperate about this. She queries why she has to accompany the middle class, or even children of the rich, on Saturdays and Sundays, while her daughter is left with no company.

I am a father of a four-year-old daughter. It is important for a father or a mother to earn income for the family, but the time they spend with their children is even more important. Annie told me that her worst experience was not having the opportunity to spend a whole day with her daughter in three months.

Certainly, Members may say that this will only happen to single-parent families. However, the scenario of bogus single-parent may occur due to the work hours of both parents, where the children are either accompanied by the father or the mother, but never by both of them. Do we want to see this?

For this reason, our request for extra compensation for working on holidays is not the crux of the matter. If the business sector disagrees with the provision of additional compensation, will the Secretary enact legislation requiring that wage earners must have at least one Sunday off every month? At the last meeting of the Panel on Manpower, the Deputy Commissioner for Labour, Byron NG, said that he was working on the promotion work in this area. I asked him how the promotion would be taken forward and whether figures were available, but he said there was no figure, but only promotion work. What does it mean?

Let us look at some overseas examples. In Germany, working hours is stipulated at eight hours daily, and the compensation for overtime worked on weekdays ranges from 127% to 142%. The variation seems strange, why? It is likely because the figures cover various states. However, the compensation for work on Sunday is higher, being 162%, and that for public holidays is 240%. In

Canada, compensation for work on public holidays is 250% and that for weekdays is 150%. In Australia, compensation for work on weekends or public holidays is 200% and that for overtime worked is 150%. In the Mainland, compensation for work on rest days is 200% and that for statutory holidays is 300%.

In a capitalistic society, everything is about money, which means the importance of employees has to be assessed. Working hours is a factor reflecting the importance of an employee, not only to the employer but also to the employee himself. Therefore, if they are required to work on holidays, additional wages and compensation must be paid.

Back to the point, I am not requesting the business sector to foot the bill but to consider this from a family-friendly perspective. At present, over 90% of posts are directly related to the provision of service. Certainly, there are clerical support jobs which are only required to work five days or five and a half days a week.

However, I hope the Secretary will hear these voices. Many workers in the service industries cannot take leave on Saturdays and Sundays, yet their children are on holiday on Saturdays and Sundays. How can this problem be addressed? How the purpose of family-friendliness can be achieved? I suppose these employees will be off after 10 pm. Therefore, I hope that the business sector, as well as the Government, will consider the issue from the perspective of employees. Certainly, we do not wish to increase the cost borne by others arbitrarily, but is it possible to address the problem by way of legislation? Is it possible to give wage earners one Sunday off every month?

I so submit.

IR DR LO WAI-KWOK (in Cantonese): President, with Hong Kong's economic development, the standard of living has improved and with the social and cultural changes, I believe the great majority public would agree that the SAR Government should make greater efforts in formulating policies and commit more resources, so as to actively promote family-friendly policies, with a view to fostering the establishment of harmonious and loving relationships among family members and enhancing family cohesion. The family is the basic unit of society

and the Chinese culture also stresses that harmony in the family ushers in prosperity on all fronts. It is only when families are harmonious that society can also be harmonious.

In the promotion of family-friendly policies, one of the major areas is to encourage the public and private sectors to implement family-friendly employment policies. For the great majority of people, about one third of their life is spent on work, so all sectors in society should strive to create a family-friendly working environment, so that wage earners can take care of both family responsibilities and employment and be assisted in balancing work and family life, so as to enhance their quality of life.

President, take the construction industry as an example, as far as I know, basically, the industry supports a five-day work system for construction sites, so as to dispense with the need to work on Saturdays. There is little disagreement among employees, employers and managements over this, so there is hope that the discussions among various parties can see some progress and that this arrangement can be implemented step by step. However, since the industry is currently facing a shortage of labour and due to the actual needs of some projects, it may be necessary to work on Saturdays, so in these circumstances, the adoption of a roster system should be considered. For one thing, it can be ensured that employees can have enough rest, so that they can remain in a healthy and alert condition at work, and for another, employees can strike a balance between work and life and enjoy family life.

In respect of public organizations and private sector industries that have the right conditions, they can try to implement flexible working hours systems. Apart from considerations in relation to family-friendly policies, doing so can also help ease the heavy burden borne by the mass transport system in Hong Kong during the rush hours. Meanwhile, more complementary support services should be provided to dual-income parents and single parents to help them take care of their children. For example, community child-minding services should be expanded, so that parents can solve the problem of caring for their children after school or during holidays and do not have to worry about any trouble back at home while they are working. I also agree that any conception of this kind of support services should embody the principle of gender equality. Not only should women be assisted, it is also necessary to assist needy men in solving their family problems, so as to tie in with social and cultural changes.

President, with rising standards of socio-economic development, all of us now attach an even greater importance to improving workers' welfare. I believe that various sectors in society should explore whether or not in addition to Sundays, all public holidays should be classified as paid statutory holidays, so that all full-time wage earners can enjoy the relevant holidays on an equal basis. However, before introducing any welfare measures, various sectors should have adequate discussions, communication and negotiations and a balance should be struck among the interests and opinions of various parties, so it is not preferable to act with undue haste. In connection with this subject matter, an Honourable colleague has proposed that the applicability of existing paid maternity leave be extended to employees engaged under non-employment contracts, but I have great reservations about this. If the employees concerned are only temporary ones or they are self-employed, who should assume responsibility for the proposed paid maternity leave? Many issues are involved and there is also great uncertainty. In particular, this would exert enormous pressure on the numerous operators of SMEs in Hong Kong.

On the issue of enacting legislation on standard working hours in Hong Kong mentioned by some Honourable colleagues, this subject involves an even larger scope and there is still a great deal of controversy in society. The Government of this term has established the Standard Working Hours Committee with representatives from the labour side, the business sector, the academic sector and the Government. Various parties in society should make good use of this platform to carry out in-depth examination and decide the next step forward only after reaching a broader consensus. At this stage, it is indeed not preferable to act rashly.

President, the proposition of "actively promoting family-friendly policies" in this motion is positive, but both the original motion and the amendments touch on some still rather controversial proposals, so it is difficult for me to give them my full support. I believe that in order to take forward any social policy, including family-friendly policies, not only is it necessary to consider the goodwill and original intent, it is also necessary to study the details of implementation carefully and the ripple effects that may arise, then draw up counter-measures to prevent matters from turning out contrary to one's wishes and doing a disservice out of good intentions.

President, today is "Hong Kong Green Day", so I have made it a point to wear a green tie and a "Hong Kong Green Day" badge. I support building a green and harmonious Hong Kong.

President, I so submit.

MR LEUNG CHE-CHEUNG (in Cantonese): President, 15 May each year is the "International Day of Families" and next year, it will also be the 20th anniversary of the United Nations International Day of Families. There is always a theme for the International Day of Families every year to promote the understanding of problems relating to families. This highlights the importance of the family. At present, due to economic problems and the changes in the demography and lifestyle, the family values of Hong Kong people have experienced great changes when compared to those of the past, and family values are facing various challenges.

The cost of living index in Hong Kong is high and in general, both parents in a small family have to work in order to make ends meet. In 2011, the average number of working hours of employees in Hong Kong was 49 hours weekly and if they live in such remote areas as Tin Shui Wai, Yuen Long and the North District, the chances of them communicating with family members are sorely limited after the time spent on commuting is factored into this. While such measures as five-day work, the introduction of flexi-hours, flexible working hours and paternal leave are indeed conducive to promoting family-friendliness, it is by no means easy for employees and employers to reach a compromise on such issues. In October 2012, a group conducted a survey called "The State of Work-Life Balance in Hong Kong", and it pointed out that there is clearly a mismatch between work-life balance initiatives provided by employers and those desired by employees. Therefore, we hope that the Government or public organizations can do more to take the lead in fostering a trend and culture of family-friendly policies.

As a Legislative Council Member representing New Territories West, naturally, I am particularly concerned about the situation in Yuen Long. I found that in terms of such social issues as poverty, domestic violence, single-parent families, cross-boundary families and even new arrival families, the Yuen Long District always ranks among the first few places. All these issues call for our

great attention. The motion under discussion today also mentions single-parent families and domestic violence, so I wish to focus on these two areas in presenting my views.

According to a thematic report of the Census and Statistics Department on single parents published in 2011, the top district with the largest number of single parents was Yuen Long, accounting for 12% of the total, with the number of people standing at 9 600. The report indicates that there were 82 000 single parents in Hong Kong, with 64 000 single mothers among them, accounting for nearly 80% and far outnumbering single fathers, which stood at 18 000. The divorce figure was also on the increase year on year. The number of children with single parents was also on the increase. The number of dependent minors being cared for by single parents stood at 104 000. Be it the number of single parents or that of their children, they all show that the number of people in this kind of families is rising, so it is really necessary for the Government to formulate appropriate measures to deal with the situation by putting in place targeted policies and support.

President, just now, I mentioned the difficulties encountered by dual-income parents in caring for their children, but those encountered by single parents are even greater. Among these 82 000 single parents, 63% are employed, an increase of 36% compared with a decade ago and this group of single parents and their children need even greater support. The Government must increase the places for child care services. In fact, this kind of services is available in Tin Shui Wai, but the amount of services is only a drop in the ocean. Hence, I hope Secretary Matthew CHEUNG can increase the resources for this area significantly and improve the service hours of child care services, so as to align with employed parents' working hours, such that parents can join up with their children after work.

President, the support of the Government for single-parent families and cross-boundary families is really inadequate. The issue of cross-boundary families is nothing new. More than a decade ago, with the increasing interactions between Hong Kong and the Mainland, the number of cross-boundary families was already on the rise. However, when the bureau concerned responded to a question of the Legislative Council on the support for cross-boundary families in 2011, it said that the authorities had not conducted any thematic study on the social problems arising from marriages between Hong

Kong residents and Mainlanders. I was really surprised by the response of the bureau concerned. There are not even any figures, little wonder that the right solutions cannot be found for the problem.

On domestic violence, it is always not a standalone problem but closely intertwined with such issues as poverty, unemployment, divorce, cross-boundary families and new arrival families. For the past two years, Yuen Long has been ranked first in the number of criminal cases involving domestic violence handled by the police (nearly 200 cases), whereas in respect of the numbers of domestic violence cases followed up by the Social Welfare Department, Yuen Long was also ranked second (nearly 1 200 cases), so this reflects the fact that the problem of domestic violence in Yuen Long is quite serious. The motion demands that the relevant departments should assess the gravity of domestic violence in Hong Kong at present, review the modes of professional services for handling and supporting families in crisis and the corresponding effectiveness of inter-departmental support services as well as strengthening outreach services. I agree very much with these measures and hope that the Government can implement them as soon as possible.

President, I so submit. Thank you.

MR LEUNG KWOK-HUNG (in Cantonese): President, the legislature is just like the venue for holding imperial examinations to select the top scholar in the past. A very abstract subject matter is set, so that all the people can expound on it freely but no matter how they present, their discourse just cannot get to the point. The legislature is really so boring as to be oppressive, and it serves no meaningful purpose.

When it comes to the family, reunion is the most important thing, so family reunion is a human right. Members must not be mistaken. I am not talking about Mainland-Hong Kong families but this gentleman, LI Wangyang, whose likeness I bear on my chest. He left this world all of a sudden and his younger sister was "made to disappear". Family reunion is so difficult. Last night, my heart was really heavy. It was raining, as though the heavens wanted to cleanse the sin of the human world. President, a regime broke other people's families up and it is a downright heinous crime. I have no idea where LIU Xia is now because she cannot be located. Her family was also broken up. The person

who met the direst fate is TAN Zuoren. Since he knew that many children had perished prematurely in an earthquake because of the jerry-built buildings, he set about finding out the names of these children. His family was also broken up. President, I cannot help but salute these three gentlemen, in particular, Mr LI Wangyang because he has left us.

I will now come back to the question. A writer once said that the reasons for the happiness of all families are the same, but the reasons for the misfortune of families are different. President, Mencius said, "To a state, the people are the most important thing, the state comes second, and the ruler is the least important thing.". Of course, the most important thing in a state is the family, is it not? However, this may not hold for people like me, who do not like to start a family.

President, what has the Government done? First, it hopes that by relying on the market, the family system can continue to exist. However, this is not feasible. There was so much wrangling over minimum wage for so many years and now, even an increase of \$2 has caused a great deal of outcry. On the number of working hours, again, I wish to say "what crimes are committed in thy name.". Again, the Liberal Party has voiced its opposition. At present, workers practically cannot make enough to feed their families. Moreover, the working hours are so long that they cannot have any family time. This really does them in! This is how having a family is like. One has to earn money to support one's family. President, in the past, a down-and-out scholar who has nothing but the bare walls in his house — just like you and me but now, the two of us are no longer down-and-out scholars who have nothing but bare walls in our houses — this is how the "sub-divided units" nowadays are like and the tenants living in them are completely destitute, are they not? What family life can people living in them expect? For the interests of property developers, the Government halted the construction of Home Ownership Scheme flats and has been building less public housing units, thus making the public utterly destitute, so how can they have any family life?

Buddy, among clothing, food, housing and transport, there is one more issue related to transport. The transport fares borne by the public are outrageously high, moreover, they were banished because poor people have to live in the remote areas and a trip to the capital costs over \$20, so it is really necessary to work for more than an hour to earn enough to transport oneself here to be exploited. Again, this is the making of the Government. Let us talk

about buying food. The Link REIT also makes housewives scratch their heads hard and make their hands sweat. Why? Because with \$20, they really do not know what they can buy, so their hands sweat. When I was unemployed, I also had a taste of this.

Among clothing, food, housing and transport, none of them gives any satisfaction. Also, there is the issue of education. If we calculate the proportion of education expenditure as a share of the GDP, our education expenditure ranks the lowest among advanced countries. This is again so depressing. Matthew CHEUNG, take a look at me and do not just lower your head. Have my eyes failed me? Is that Matthew CHEUNG?

The Government said that it has introduced family-friendly policies but it wants sons and daughters to declare that they are unable to support their parents before the latter are eligible to receive the pitifully small amount of old age supplement. If this is not breaking up other people's families, what is it? If sons and daughters make the declaration as per this requirement, so that their parents are eligible for welfare benefits, they will be accused of not supporting their parents. In other words, the Government wants sons and daughters to support all the people in their families. One breadwinner has to support so many people by working in society, so what should one do?

Clothing, food, housing and transport, and "to honour old people as we do our own aged parents, and care for other's children as one's own", the Government has failed to deliver in all these areas. The Government must understand that the market has failed, thus leading to high medical expenses, high transport fares, high rents and high food expenses. All these are the making of the Government. The market has failed, but the Government is doing nothing.

President, it is not possible for families to be detached from this world. Families also have to live in society. In this Chamber, all Members of the royalist camp, for example, people like Ir Dr LO Wai-kwok, talk eloquently about the economy. What is the economy? President, is the economy only about making money? In Chinese, economy means "經國濟世" (to administer the country and benefit mankind). In foreign languages, it is also about distribution. The national economics of westerners is also about distribution.

You talk extravagantly about the important roles of the family but at present, the family is like a small boat in a vast ocean. Of course, some families are in good circumstances and this is reflected in our Gini Co-efficient of some 0.53. Those families in good circumstances own several properties and their children are sent overseas to study, but poor people have to stay in Hong Kong to endure the hardships.

Without the country, how can there be families? The kind of government determines the kind of families we have. I shall stop here.

MR IP KIN-YUEN (in Cantonese): President, I welcome the motion on "actively promoting family-friendly policies" on this occasion. I will focus on discussing the fifth proposal in the original motion, that is, to provide more child care support services to dual-income parents, so that their children can receive appropriate care after school.

President, at present, the prevalent concept in early childhood education is educare, that is, nursery schools have to assume the responsibility of education as well as providing child care services. Therefore, apart from formal education, nursery schools nowadays also have to provide child-minding services. Child-minding services can be divided into two types: Occasional child care service and extended hour service. In the first type, the Social Welfare Department (SWD) provides funding to nursery schools, then uses the resources of the school to provide a certain number of places for day-time occasional child care service. The second type is extended hour service, that is, the service hours of nursery schools are extended from 6 pm to 8 pm on weekdays, or these schools open earlier to tie in with the work of dual-income parents. Be it the first type or second type of services, these modes of care are all important links in the provision of support by society to families and are measures to prevent family problems, so they all require well-developed government policies, the hardware in schools and such software as manpower resources to complement them before a balance can be struck between supply and demand and the need for services met.

However, not only are the Government's policies in educare marked by inconsistency, they are even fragmented and placed under the separate management of the Labour and Welfare Bureau and the Education Bureau. The

Labour and Welfare Bureau is responsible for policies relating to children below three years of age, whereas policies relating to children over three years of age are under the charge of the Education Bureau. Although both involve pre-school children, the policies are different depending on the age of the children. At the same time, the Government's investment in early childhood education is pitifully limited and free early childhood education, which has been discussed for some 10 to 20 years, still remains elusive, something within sight but beyond grasp. In addition, a pay scale for early childhood education teachers is not formulated and even if teachers of early childhood education have completed degree courses and the relevant training, their pay is still rather low, thus leading to serious wastage and problems of mobility. With the shortage of early childhood education teachers, even though schools want to allocate additional resources on their own to recruit staff to extend the service hours of nursery schools, as mentioned earlier on, they cannot hire enough early childhood education teachers to maintain the services. In this way, how can additional manpower be recruited to provide child-minding services? Most schools have to arrange for existing early childhood education teachers to take charge of the services during the extended hours, so their operation is very unhealthy and this also makes it even more difficult for whole-day nursery schools to hire early childhood education teachers. As it is, the working hours of whole-day early childhood services are already very long. Moreover, the administrative and paper work also increased the workload of and the pressure on front-line staff, thus further dampening the enthusiasm of early childhood education teachers in joining whole-day nursery schools. As a result, the manpower in whole-day nursery schools has seen constant wastage.

Occasional child care service and extended hour service are established safety nets. The SWD sets the utilization rate at 80%. Although the sector opposes this resolutely, the authorities still frequently cite the utilization rate being less than 80% as the ground for cutting the resources provided to schools and the number of places, thus dealing further blows to nursery schools and making their operation even more difficult. In terms of the support for families, this can also be described as going against the trend, thus creating troubles for dual-earner families.

President, at present, in respect of the policy on early childhood care of the Labour and Welfare Bureau and the SWD, in principle, they are family-oriented and the considerations include manpower, time and expenses on child care. In

respect of parents with financial difficulties, the SWD would follow the guidelines for vetting applications and let parents apply to nursery schools or nurseries for concession in the service charges for occasional child care service according to their family incomes. In this process, the Government did not formulate its policy on child care service from a family-friendly perspective but adopted rigid policies, complemented by harsh administrative arrangements, in dealing with issues of family child care services. Therefore, it is only when accidents that we do not wish to see have happened to small children who were not cared for appropriately that the Government would take remedial measures on an individual basis and by that time, society has already paid a heavy price. Why do the authorities not something at the policy level?

The authorities only regard the places for occasional child care service attached to nursery schools and child care centres as district-level safety nets rather than a major service to meet the need for occasional child care. The distribution and supply of existing services do not tie in with the need of parents in various districts for child care. Sometimes, the situation of demand being greater than supply can be seen but at other times, under-utilization would also occur. Under the SWD's policy of lump sum grant, the resources received by voluntary organizations and schools are limited and even though some non-profit-making organizations offer self-financing child-minding services and seek only to recover the cost, some low-income families still cannot afford such services. As some voluntary and non-profit-making organizations are not service units funded by the Government, even though they want to apply for financial support from the Community Care Fund, they encounter a host of difficulties. If the Government can extend a helping hand to these non-profit-making organizations operating child-minding services on a self-financing basis, it will be able to increase the supply of non-profit-making and self-financing child-minding services at the district level, thus easing the financial burden borne by low-income families in respect of child-minding services. The authorities can even follow the example of Japan by using MTR stations as half-way venues for occasional or extended child care services. This is also a measure that can be considered.

In addition, on the under-utilization of services, first of all, I propose that rigid criteria on the utilization rate should not be set, rather, flexible arrangements should be made in the light of circumstances. In addition, the authorities should also step up publicity in local communities, in particular, publicity via the mass

media, as this can help raise the utilization rate of services. As regards charges, the authorities can also consider offering concessionary charges, for example, for people using the services for a month, the charges for Saturdays can be waived, so as to further strengthen the support services for families.

As regards the other proposals in the motion, for example, the proposal to subsidize pre-primary education across the board, they have my unreserved support.

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

MR PAUL TSE (in Cantonese): President, a number of colleagues have made some suggestions on this topic. We all have heard many opinions, too. Let me take a look at this topic from a slightly different perspective. President, according to the latest press report, something bad happened to the family of Mr Dominic CHOW, a gifted talent who has made his name in the musical world. His 13-year-old son suffers from learning disorders. When Mr CHOW went to the Mainland for work, he could not take care of his son himself. When his neighbours found his son wandering in the streets, they reported to the police. Mr CHOW was then charged with child abuse. This incident has highlighted several problems. Firstly, the authorities seem to have not provided adequate support for children with learning disorders or, to say the least, the support is not enough. Secondly, single-parent families face a certain degree of difficulties. Someone like Mr Dominic CHOW who is so famous and financially strong also encounters difficulties in the arrangements for his child. Thirdly, as Mr CHOW has pointed out, if neighbours discover any problem, they should lend a helping hand to take care of the children, instead of reporting to the police causally. This is of course a matter of different values and viewpoints.

President, the second press report relates to the Secretary General of this Council. In the evening of 27 May, a great seminar was held at the Hong Kong Coliseum in Hung Hom, with the world-renowned Zen master Mr THICH Nhat Hanh as the keynote speaker. Mr THICH Nhat Hanh came to Hong Kong not only to preside over meditation camps, but also host the seminar held that night. Our Secretary General is an active participant of the relevant retreat and meditation activities. I was also fortunate to be able to share time to hear what

message Mr THICH Nhat Hanh brought to Hong Kong people that night. He conveyed a very simple message throughout that night — that is "listen, listen and listen again". He wished that we all could learn to listen to other people, so that many personal, family and social disputes can be resolved.

Mr LEUNG Kwok-hung earlier said something like "serving no meaningful purpose". I guess what he meant to say was "juice things up". President, our society really has too many disputes. As I mentioned before, if we are to stay healthy, we have to make each and every body cell healthy. If we hope that our society would uphold proper values and members of the public would find tranquility in their souls with suitable physiological and psychological enhancement, we have to treat every family unit as a cell of society and take good care of it.

I would like to consider this question from the mental perspective. Many colleagues have earlier suggested some measures and welfare benefits to be provided by the SWD. I fully agree with them. However, even if all those measures are implemented, the disputes in society would not end if we, as part of the community, cannot find comfort or satisfaction in our souls.

President, let me stretch the topic a bit. Apart from the need for the authorities to allocate more funding to welfare policies, the mental health of the public very often has not received enough care either. It involves whether one can be listened or cared by others, as I earlier said. It is even related to the licensing system for free-to-air television and radio licences. The example I am going to quote may sound like I am blowing my own trumpet. The programmes like "Midnight Whispers", which were once a great hit, are very important to mental health. Please do not underestimate these programmes, for their audience covers a wide spectrum of families. No matter it is the sick and bed-bound elderly who cannot watch television, the busily-working employees or the on-the-road drivers, they all listen to this kind of programmes. A sentence said by the host can soothe many people's emotions, or it can also incite anger in many people for no reason.

The babbling of those who claim to occupy the Central has already scared you off long before the dawning of that action day. It all boils down to the difference in our viewpoints and values, that is, the difference between the

intention of stirring up trouble in society and the desire for all people to live peacefully. In society in the past when the same economic circumstances and social difficulties prevailed, although materials were lacking, people seemed to be better able to pull together. However, it is different nowadays. Talking about the housing problem, the housing situation is much better now than those years when I lived in So Uk Estate. The living conditions have seen enormous improvement. Although washrooms are very cramped, it is much better than those years. During those years, there was often no washroom in an apartment. Even if there was one, it was still very cramped.

Of course, society advances continuously. However, if we cannot adjust our mentality and personal values to help each other out in a relatively placid manner, we would not be happy even if we own the whole world. This is not to mention that society's resources are limited and can never satisfy all people. However, we have to learn to deal with problems and figure out how to leverage on the limited resources to make ourselves and the people around us happy. We should not encourage each other to resolve problems with violent acts. That is actually our Achilles' heel.

Therefore, I hope that we, in discussing this topic today, would not set our sight only on social welfare policies or focus on such welfare measures as wage rise. We should also set great store on spiritual achievement. In this regard, the Government, non-governmental organizations or individuals can all make contribution. We can listen more and pay more attention to the development of society. More and more people are saying that Hong Kong people are very unhappy. Prior to the handover, Hong Kong's economy might not be comparable to the present time. Yet, more people feel unhappy now. Mr CHEN Ping hosted a press conference hours ago because of the attack on him. He expressed some feelings at the conference. He said that he is a new immigrant in Hong Kong. He migrated to Hong Kong only in 1997. He finds that Hong Kong has been getting worse year after year and people are increasingly unhappy.

It has something to do with economic problems like wealth disparity and in-work poverty. Nevertheless, if we do not establish correct values and handle personal, social and family problems in a proper way, but always blame

everything on society, policies, people around us and the pro-establishment camp, we would never be happy and would only result in more violent acts forever. This is exactly the over-arching problem we face now. Thank you, President.

MR ABRAHAM SHEK: Many people say that the degeneration of family relationship is inevitable in highly developed and urbanized cities. As globalization triumphs, the younger generation is under the increasing influence of western culture which, for instance, prioritizes freedom and privacy, and promotes individualism than family values. The Internet and advances in information technology have helped to breed and consolidate a kind of alienation in interpersonal relationship which even affects family members living under the same roof. While the means of communication are not lacking, President, with the prevalence of portable computers and smart phones powered with Facebook, Twitter, Microblog, WhatsApp, to name just a few, people communicate without speaking, people hear without listening. We seem to have established more and more relationships but we have cultivated fewer. The tide of technological advances cannot be held back. Instead, we should focus on how to capitalize on it.

There is, however, a missing link in our education. Our primary, secondary and even tertiary education systems are either purely academic or utilitarian in nature, with very little emphasis on values, ethics and humanities. We take family relationships for granted, but the social environment we live in has changed. This is no longer an era when the majority leads a dog's life but embraces the milk of human kindness, as debated in the classic movie entitled "七十二家房客". Today, we live in times of double misfortune. With an increasing number of people struggling to make ends meet, and with little time and energy to take care of others or to give consideration for others, it has given rise to steady alienation in interpersonal relationship. Clearly, it is time for us to strengthen our culture of care and respect in the community, and education must be the starting point.

In recent years, the term "workplace friendly" has become a hot issue. Workplace friendliness is about addressing the needs and difficulties faced by employees relating to issues concerning the workplace, including workload, work

pressure, discrimination, equality, occupational safety, and so on. Family friendliness is part and parcel of workplace friendliness, and emphasizes supporting employees who have family care needs, particularly child care and care for elderly. However, a family friendly workplace culture does not happen by accident, nor can it be forced or realized by legislation. After all, it is the employment relationship that matters, like family relationships.

Employment relationship should be, and can only be, established on a voluntary basis. In this light, I have strong reservation about introducing legislation on paternity leave and standard working hours, and increasing the number of public holidays. In fact, as corporate social responsibility takes place, the private sector is responding positively to family friendly policies. For example, the survey conducted by the Labour Department on member establishment of its 18 Human Resources Managers Clubs shows that the percentage of responding organizations voluntarily offering paternal leave to their employees gradually increased from 16% in 2006 to 38% in 2012. This shows that the private sector can show its care to employees without legislation.

President, it would be foolhardy to endorse any legislative proposal without a comprehensive assessment on its impact on various industries. This is particularly important to our SME-based economy where the SMEs make up more than 95% of the business entities, providing jobs for over 1.2 million people. If every matter is resorted to legislation, flexibility of doing business will suffocate and employment relationship will become a burden too heavy to bear for the SMEs. In the worst case scenario, many SMEs might not endure and have to wind up. If employment cannot be secured, on what basis can family relationship be built?

President, I must talk about town planning. Since the handover, our town planning has been far from family friendly. Tin Shui Wai and Tung Chung are two cases in point. Low-income earners in remote areas like these need to commute to work across districts and must bear high transportation cost and put up with long travelling time. This wastes much of their precious time which could be spent in taking care of their families. Government policies must improve in this aspect.

Another family unfriendly policy lies in the Comprehensive Social Security Assistance, especially for the old people as the Government asks them to sign the "衰仔紙". This has impaired elderly persons' relationship with their families and deprived them of dignity. Although this Council has long urged the Government to abolish this practice, the call has fallen on deaf ears like other welfare policies.

President, it is never too late to mend our fences. Everyone in society can turn indifference into love and care to build up strong family relationship. However, it is the Government who has the greatest amount of clout to promote and spread love and care via appropriate family friendly policies in areas of "衣食住行" as "長毛" said earlier. Show us then, the Government too can find ways to express love. Thank you.

MR WONG YUK-MAN (in Cantonese): President, what is the point of talking about family-friendliness when there is an imbalance in the economic structure? Not only is Hong Kong's labour policy lagging behind, but it also favours consortia and businessmen, offering workers little protection. Treating families merely as spare parts in the provision of labour, the Government and capitalists have even gone so far as employing some extremist practices in exploiting workers. So, how can we talk about family-friendly policies? Hong Kong is far lower than developed countries in terms of the standard of paid holidays. In general, ordinary full-time workers are entitled to only seven days of annual leave and 12 days of statutory holidays, not to mention long-term casual workers and grass-roots workers on bogus self-employment. Furthermore, Hong Kong is among the top in the world in terms of working hours. According to the statistics published by the Census and Statistics Department in March 2013, the median weekly working hours of workers in Hong Kong have reached 45 hours, with the weekly working hours of 620 000 workers exceeding 60 hours. It is indeed a matter of great urgency for legislation on standard working hours to be enacted. Nevertheless, the Government has kept procrastinating. The establishment of a committee is nothing but a delaying tactic. What is more, vigorous efforts are being made by many spokespersons for large consortia in the media and the Legislative Council in an attempt to hinder the enactment of legislation on standard working hours. Inadequate holidays and long working hours have made it difficult for employees to spend time with their family

members. Earlier, a dock worker complained of working around the clock and being treated as a stranger by his daughter because he was seldom at home.

The SAR Government is colluding with business. As a result, it just sits by watching the consortia getting things by trick and by crook. Despite its possession of hundreds of million dollars in reserves, it is oblivious to the plights of the people. Furthermore, it is indifferent to the monopolization of various industries in Hong Kong by real estate consortia, the selling of public assets at dirt-cheap prices, the expulsion of small shop tenants by The Link REIT and the subsequent spiralling property and shop rentals and exorbitant prices. Many couples can barely make ends meet even though they have toiled extremely hard. Living conditions, jobs, financial problems and other daily necessities have become the source of pressure for each and every family. How can family members live in harmony when there is insufficient time for recuperation? Although low-income earners, the unemployed or singletons can apply for CSSA, the average payment is only around \$1,000 monthly per person.

In the eyes of the SAR Government, labour is nothing but a production tool. What is more, family carers are supposed to be penniless. However, I think it is sensible for them to receive public financial assistance for doing household chores, taking care of the elderly and the weak, educating small children, and contributing to society without other people noticing them. While full-time carers can only rely on their family members for financial support, they have absolutely no livelihood and retirement protection. So far, we have heard nothing about universal retirement protection. When their children reach the age of 12, CSSA recipients are mandated to join the Support for Self-reliance Scheme, face forced eviction by the Social Welfare Department, cease taking care of their small children, and join the labour market. The SAR Government's support for working parents is indeed like a drop in the ocean. It was pointed out in a study conducted by the Hong Kong Women Workers' Association in 2012 that child care services were only offered to children aged up to six in Hong Kong. Moreover, there were only 5 500 places, with only 690 of them being free. There is a complete lack of family support in Hong Kong society. In the event of an accident, society will put all the blame on the carers and charge them for negligence. In short, parents must keep their eyes wide open in looking after their children. What is more, they will be discriminated against should they apply for CSSA. Hence, people wishing to pursue a better material life must

give up spending time with their family, forget about their children's education, and even face prosecutions and regrets. Families are being put in a dilemma by the SAR Government.

To foster family harmony in Hong Kong with brothers and couples treating one another with love and respect has gradually become an extravagant hope. Likewise, there is inadequate support for families facing crises. In order to defend their monolithic definition of "monogamous family", some people with extreme religious positions have even gone so far as to discriminate against families with different sexual orientations. The Domestic and Cohabitation Relationships Violence Ordinance is seriously flawed. Not only does it fail to protect abused elderly persons, but the latter are also required to apply to court by themselves for an injunction. Since it takes eight to 10 weeks to apply for legal aid alone, the process is tedious and complicated. The Legislative Council is oblivious to the aspirations of the community. The Subcommittee on Strategy and Measures to Tackle Family Violence, which was once disbanded, is now pending resumption. When the policy pertaining to issues related to the handling of domestic violence (including sex violence) was discussed at the meeting held by the Panel on Welfare Services of the Legislative Council on 19 February, a number of issues related to domestic violence were raised by community organizations. For instance, abused persons are often denied appropriate housing, financial and legal assistance because it is a usual practice for the police to treat domestic violence incidents, such as marital violence, as family disputes. Social workers of the Integrated Family Service Centres in various districts are at the forefront of handling domestic violence cases. However, each of these Centres has to deal with an average of more than 1 000 cases per annum. The heavy workload has inevitably affected the quality of follow-up actions. What is more, there are innumerable cases of front-line social workers refusing to assist victims of domestic violence in applying for housing and financial assistance. I hope the Legislative Council can expeditiously re-establish the Subcommittee on Strategy and Measures to Tackle Family Violence to consult community organizations extensively with a view to easing domestic violence problems.

It is indeed unnatural and insincere for Ms Starry LEE to propose the motion on "Actively promoting family-friendly policies". We cannot rely on several measures alone to promote family-friendliness in society. A

family-friendly society is fostered not instantly by several measures. Instead, we have to examine the distribution of resources in society, whether there is human care in politics and the law, and whether various social strata are protected under the principle of justice. Pro-establishment Members, such as those from the DAB, have all along endorsed the acts of unscrupulous plutocrats and the unjust Government, turned a blind eye to the livelihood of the grassroots, and acted as the enemy of the people. Despite their verbal commitment of caring for the people, they will go in the opposite direction when it comes to casting votes. Insofar as Hong Kong's situation is concerned, in order to achieve genuine family-friendliness, the first and foremost thing to do is to protect labour interests, wipe out real estate hegemony, and enhance support for such family care services as child care services, social welfare and family services.

Just now, a Member suggested that these problems had to be resolved at the spiritual level. What is meant by the spiritual level? The biggest spiritual challenge is that, with the numerous problems I mentioned just now pending resolution, it would be really strange if we are not suffering from mental illness, but the same litany of responses is still being made. Material life and spiritual life are equally important in society. But how can family-friendliness be achieved when people leading a poor material life have to live from hand to mouth? Whenever a couple get together Buddy, as the saying goes, "everything will prosper if there is peace in the house". However, even the cleverest housewife cannot cook a meal without rice. Chinese people always understand that "poor and lowly couples often land in multiple distress". As Hong Kong is such an affluent society, how hard can it be to upgrade the life of Hong Kong people at the spiritual level? Let us first resolve the material problems. With the CSSA payment amounting to only \$1,000, Matthew CHEUNG, you such a shameless official are sitting here (*The buzzer sounded*)

DR KENNETH CHAN (in Cantonese): President, the aggrieved persons we have come into contact in the Complaints Division since October have all expressed the hope that justice can be done to them. I have already told several of those who have recently impressed me in particular that I will convey the words from the bottom of their hearts at this debate today.

They are about the discrimination felt by a group of newly arrived grass-roots women who have been repeatedly subjected to discrimination or even humiliation due to their accents, origins, backgrounds, financial situations, and obligations to assume the basic family responsibility of taking care of their children or elderly family members. They hope the Government can make more efforts in addressing discrimination against new arrivals through enacting legislation against discrimination or setting up a redress mechanism.

Some ethnic minority families have also complained to the Legislative Council about the existing policy's inadequate understanding of their cultural backgrounds and family concepts, not to mention support. For instance, they have to live with their children according to their traditional culture, but it has become increasingly difficult for such large families to apply for public rental housing (PRH). Given their cultural tradition, it will cause great disturbance and difficulty to them if they are allocated PRH units situated in different districts or on different floors.

Although financial assistance will be provided by the Community Care Fund for tenants of "sub-divided units" and cubicle apartments, such large families — be they ethnic minority or local families — will still encounter hardship because they must rent larger flats. Naturally, they cannot live in "sub-divided units" and cubicle apartments. Moreover, their rental burden will increase with each passing day.

These situations precisely reflect that, despite its use of faddish language, such as the jargon of or reference to "family-friendliness", to express its great concern and understanding, the Government does not entirely understand the various situations faced by these people in a concrete, down-to-earth and in-depth manner.

I would like to revisit the initiatives proposed by Miss Tanya CHAN and I as early as during the election campaign targeting housewives, especially home-makers: fight for an universal retirement protection system to protect the retirement lives of housewives and people required to take care of their family members on a long-term basis; promote comprehensive family-friendly policies, especially to ensure the living quality of women and their fundamental status and dignity in families; strengthen nursery and child care facilities, promote breastfeeding, and facilitate women in going out to work; fight for mandatory

paid paternity leave and extended maternity leave; and strengthen women's health services, subsidize regular gynaecological check-ups and cervical cancer vaccination. President, although these issues are commonplace, how much effort has actually been made?

Secretary Matthew CHEUNG may still recall that I attended a celebration event to mark the International Women's Day this year. I remember I was the only person to make a request to Chief Secretary Carrie LAM by putting my request on a milk powder can to call on the Government to pay more attention. But what is the actual situation?

On the one hand, the Government has expressed concern. In fact, it is interesting that even the Chief Executive, LEUNG Chun-ying, will visit the districts. According to a report carried in *Wen Wei Po* on 25 November 2012, it seems that LEUNG Chun-ying had some opinions (and I quote): "LEUNG Chun-ying had given a consolidated response to the views expressed by the groups. Speaking of the employment of women, he expressed the hope that family-friendly policies could be extended to the community and urban planning levels. As adequate job opportunities are currently not available in some remote communities, many women living in remote districts have to spend nearly \$40 daily on transport expenses and two hours in commuting in order to go out to work. When they return home, they are so exhausted that they can hardly take care of their families. He had repeatedly mentioned that some women have proposed that several hotels be constructed in Tuen Mun, Yuen Long and Tin Shui Wai to provide room attendant job vacancies, so that they can work in places near their homes. LEUNG Chun-ying also said that child care services must be provided in concrete terms in communities, and the fallacy of giving little consideration to this problem in community planning must be corrected. LEUNG Chun-ying also conceded that women and family problems associated with divorce are not taken seriously enough in Hong Kong. In this connection, the Government would strive to foster a caring society and remedial actions would be taken after marital problems are found." (end of quote)

So, what has been done and what progress has been made? Let us examine the First Quarter Economic Report 2013 issued to Members recently. In the part concerning employment, the Government admits that among those women aged 39 to 59 who chose to stay out of the workforce, around 518 800 were home-makers. The female home-makers aged 39 to 59 alone accounted for

22% of the economically inactive population in 2012. According to the Government's statistics, these female home-makers are an important potential source of additional labour force. However, it is worth noting that the Report also says that these women, who are responsible for looking after their families, especially their children, can hardly join the labour market. Specifically, many of them are married, live with their children, and have to take care of their family members and do household chores without the assistance of foreign domestic helpers.

According to the Report, studies have shown some home-makers and women consider that their intention of joining the labour market has been affected, to a certain extent, by the lack of flexible work arrangements and affordable quality child-minding facilities.

Although the Government has the responsibility to act, it has failed to do so even though it knows it should. Very often, the Government will say that in-depth studies will be conducted when it is aware of the existence of problems. However, it has all been thunder but no rain. The Government still maintains the attitude of muddling through in entertaining requests on various fronts.

President, no slogans can take good care of families and promote family-friendly policies. Given the people-oriented approach, all people, regardless of age and gender, should be respected and afforded ample opportunities to pursue their own happiness. The Government is duty-bound to provide care on various fronts and in terms of labour or economic policy.

I so submit.

DR FERNANDO CHEUNG (in Cantonese): The Government advocates family-friendliness and has also set up the Family Council and invented many politically correct slogans. If we really wish to achieve family-friendliness, we should first examine how families are treated by social policies nowadays.

Of course, the most needy families refer to poor families, or family members with special needs, such as people with disabilities, the elderly, the chronically ill or new arrivals. All of them require additional assistance in adaptation and in other areas. What does the Government do to help them?

Under the existing CSSA system, family is used as the unit for application. Hence, if an elderly person wishes to apply for CSSA, the assets of his entire family must be examined. Of course, the assets of family members who live with him must be taken into account for calculation purposes. Even if he does not have any family members living in the same unit, the Government still has to examine if he is supported by his children and the amount of money he receives each month. If children do not support their parents or the amount of money given to their parents is very small, they must sign the so-called "bad son statement" to show that no money or only a certain amount of money is given to their parents each month. In fact, this practice can rarely be found in other parts of the world.

An elderly person has to apply for cash assistance in social welfare because he has no income and is so hard up that he cannot even meet his basic needs. Despite his having made contribution for his lifetime, he is indeed living in dire straits. However, he will be asked by the Government this question when he applies for social welfare, "Where are your family members?" This is supposedly a family-friendly policy. As the Government regards these problems as family problems, families must resolve these problems by themselves before ultimately approaching the Government for assistance.

Given that many low-income families cannot even meet their own needs, how can they take care of their parents? However, they are compelled by the Government to sign the "bad son statement". This is actually an insult to the elderly. Can Members imagine of course, senior officials have no such problems because they all have pensions and are very rich. They will not give consideration to these situations. However, if we step into others' shoes and imagine we have to live from hand to mouth, apply to the Government for assistance and ask our children to sign the "bad son statement" before submitting the applications, do we consider such an arrangement fair to the elderly?

We cannot find anything like this elsewhere in the world. Why should Hong Kong put in place such a system? We can tell from countless stories that these low-income families can simply not take care of their parents. This is also evident in the figures. With reference to a report of the Census and Statistics Department in 2012, the Hong Kong Council of Social Service has adopted the international poverty line — the Government is now saying that it will use it as the official poverty line — and found that 33.2% of the elderly persons in Hong Kong are regarded as the poverty population. In other words, if there are around 1 million people in Hong Kong who are above the age of 65, 330 000 of them are

earning an income below the poverty line. But how many people are currently CSSA recipients? With the number of elderly CSSA recipients exceeding 180 000, the number of elderly CSSA cases accounts for 57% of the overall number of CSSA cases.

In fact, 57% represents more than half of the total number. In other words, nearly 60% of the CSSA cases are related to elderly recipients. This is already an insult. Elderly persons should receive pensions rather than CSSA. They should not go through the experience of signing the "bad son statement", too. Having contributing to Hong Kong for their entire life, they deserve stable and basic protection for their living. However, after wasting so much time, the Government is still reluctant to offer them retirement protection, and the practice of signing the "bad son statement" continues. Many families with a monthly income of only \$10,000 to \$20,000 have to pay tuition fees for their children. Moreover, some schools have become Direct Subsidy Scheme schools. If there is a sick person in the family, how can it take care of their elderly family members at the same time? Nevertheless, the elderly persons are compelled by the Government to ask their children to sign the "bad son statement". If their children refuse to sign, they will be unable to meet their basic needs in life. The Government has now come up with the Old Age Living Allowance Scheme which is neither fish nor fowl. The \$2,400 handed out to the elderly can only support them for a short while. Is the Government short of money? With a fiscal reserve of \$1,000 billion to \$2,000 billion, the Government simply has no idea how to spend it.

The same goes for people with disabilities. Let me cite someone whom I know as an example. LO Siu-fung (盧兆峰), who is now 29 years old, has been suffering from muscular dystrophy since the age of six and wheelchair-bound since he was 12 years old. Now, he breathes with the help of a ventilator around the clock. What about his family? His parents are already in their 60s or 70s. While his retired father receives a monthly pension of \$2,000, his mother and sister make only around \$20,000 monthly, which is already enough to prevent him from receiving CSSA. However, in addition to spending more than \$10,000 a month on medical expenses, he has to spend \$60, 000 on the purchase of a ventilator. What is more, an extra ventilator has to be rented for use when he goes out, and the maintenance costs him more than \$9,000 a year. Furthermore, a helper has to be employed to take care of him because his parents, who are already in their 60s or 70s, can simply not cope.

When I asked him about the most dreadful thing, he told me he was most afraid of rising medical expenses and his continued survival despite deteriorating health conditions. President, he was afraid that he would continue to live. Despite the various physical tortures he has suffered throughout his life that have lasted nearly 30 years, he is most afraid of "continuing to live".(*The buzzer sounded*).....

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

MR LEE CHEUK-YAN (in Cantonese): President, I hope Ms Starry LEE will withdraw today's motion on "Actively promoting family-friendly policies" because she has not mentioned anything about standard working hours in the motion although she said family-friendly policies should be actively promoted. In my opinion, how can we omit standard working hours in this discussion on family-friendly policies? Is this not like what the Government is doing? The Government always mentions "family-friendly", but it never mentions standard working hours. Furthermore, it has procrastinated the prescription of standard working hours. I have raised this point time and again. But the Secretary said that the work of the Standard Working Hours Committee (the Committee) would take three years. By then, it will be the next-term Legislative Council. It is crystal clear that this is a delaying tactic. So, what is the point? Although LEUNG Chun-ying said in its manifesto that he would promote legislation on standard working hours, the issue is now handed to the Committee for continued study and discussion. It is simply playing for time.

Surely, the Secretary will later say that a great breakthrough has been made because the Committee has been set up. This gives us an impression that the Government's job is really very easy. Whenever it comes across any thorny issue, it can set up a committee and then claim that efforts have been made. Why is the issue of standard working hours not mentioned in the DAB's motion? According to the previous voting record, they do not support standard working hours. If legislation on standard working hours is not enacted, what family-friendly policies are there to speak of?

Now I would like to ask everybody a question: What is most "family-unfriendly"? The answer is very easy. The boss is most "family-unfriendly". But we should not target at the boss. We should say that work is most "family-unfriendly". Some people have to work and sacrifice their time with their families. The dock workers have to work around the clock. Do they have family life? Let us not mention dock workers who have to work 24 hours a day. Many workers in general have to work for 12 to 13 hours. According to the Government's survey, nearly 700 000 people have to work for 11 to 12 hours. For these workers, do they have family life? If even legislation on standard working hours, which is the most basic factor, is not mentioned in the motion on promoting family-friendly policies, it will be pointless for the DAB to claim in its posters that it has successfully fought for family-friendly policies. Why does the DAB suffer from a gradual regression and gradual retrogression?

President, I can recall — according to my memory and the information if I can check it out — when you were Chairman of the DAB, the DAB supported legislation on standard working hours. But why did the DAB abstain from voting on the relevant motion last time? And now the issue of standard working hours is not mentioned at all in this motion. Another absurdity in the motion is "to include all public holidays other than Sundays as paid statutory holidays through employer-employee negotiations and a progressive approach". We have all along advocated that the number of labour holidays (12 days) be brought on a par with the number of general holidays (17 days). In other words, both should be 17 days so that everyone can be entitled to these public holidays. At least, they can have a short break amid hard work. The workers should be given more holidays for enjoying family life because they have worked very hard throughout the year. However, it is strange that in this motion, this objective should be achieved through employer-employee negotiations rather than legislation. If this cannot be achieved by way of legislation, how can this be achieved through employer-employee negotiations? Of course, they may say that they will support my motion on the right to collective bargaining, which will facilitate employer-employee negotiations. I am not sure whether they may do so. But they may not.

If legislation is not enacted, employer-employee negotiations are pointless. Negotiations often take place. But one party will adopt a high-handed approach. What is the point of such negotiations? Thus, if the issue of standard working

hours is not mentioned in the motion, the mover is not qualified to mention promoting family-friendly policies. The mover had better withdraw the motion. This is tantamount to adding salt to a dessert. How come a dessert is not sweet? However, this motion precisely suffers from the same problem. It is completely pointless.

Of course, there are some proposals in the motion that are supported by us all along, particularly the part about labour force. We very much support a child-minding system and an after-school child care system which are closely related to the labour market as a whole.

Many people complain of labour shortage and difficulty in recruiting staff. Why? The reason is simple. It is due to low wages and long working hours. Given the low wages, wage earners have to consider whether it is worthwhile to work. And in the face of long working hours, they may worry about the lack of family life if they go out to work. Women, in particular, may have to take into account that they cannot take care of their families if they go out to work. Not everyone in Hong Kong can afford to hire foreign domestic helpers. Only 200 000-odd Hong Kong people can afford to hire foreign domestic helpers. Most of the women do not have anyone to help take care of their families. In other words, they have no choice except staying out of work.

How can these women be encouraged to take up employment? It must be good child care services. In foreign countries, the governments or large enterprises will provide child care services inside the plants or enterprises. This is certainly impractical in Hong Kong. As it is certainly impossible to provide child care services in the enterprises of Hong Kong, how should such services be provided? The Government must certainly play a role. However, the Government has adopted an indifferent attitude and such services are also very unfriendly. For instance, centres providing such services close at 6 pm by which parents have to pick up their children. What is the purpose of such services if wage earners are unable to pick up their children on time, not to mention that the number of child-minding places is limited?

Therefore, the best way is to expand child care services significantly. We propose that an attempt be made by the Community Care Fund (CCF) in the provision of such services. In fact, the Government should immediately provide such services by allocating funding from the budget. However, we will not urge

the Government to do so grudgingly. Thus, we suggest that a pilot initiative be implemented by the CCF. For example, under some pilot schemes, after-school child-minding services are provided to low-income families. Can such services be expanded to all low-income families so that they can also access after-school child-minding services? These services may even be expanded to cover non-low-income families such that they can make use of such services by paying certain fees if they are interested. In that case, their children can participate in after-school care services. This will not add to the burden of teachers because these services are provided by non-governmental organizations. These children can do their homework on the one hand and play games on the other. Hence, they can genuinely enjoy family life after going home as they have finished their homework. Their parents can also have dinner with them after work. This is the ideal family policy in our mind.

Thank you, President.

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

MR TAM YIU-CHUNG (in Cantonese): President, I originally did not intend to speak on this motion because four or five Members of the DAB have spoken and expressed our views in detail. However, given that Mr LEE Cheuk-yan has levelled a lot of criticisms at Ms Starry LEE's motion in his speech, I would like to respond to them. The response should have been made by Ms Starry LEE. But unfortunately, as she has spent most of her speaking time on her main speech, she will have only 24 seconds left, which is not enough to respond to so many questions.

Mr LEE Cheuk-yan criticized Ms Starry LEE's motion on "Actively promoting family-friendly policies" for omitting the policy of standard working hours. For this reason, he considers that she is not qualified to talk about family-friendly policies because the policy of standard working hours is most crucial in his opinion. I believe we all understand that if we wish to promote a particular policy in the Legislative Council, we would like to see that the subject matter in the motion will be gaining recognition easier, less controversial but more practical because we do not wish to see the motion eventually voted down

after hours of debate. We have made appropriate consideration to avoid such a situation. Moreover, under the Rules of Procedure, Members can make amendments to the original motion, so Members of different backgrounds have proposed amendments to the original motion, among which, the policy of standard working hours is included.

Regarding the issue of standard working hours, the DAB has never opposed it. But we fully understand that there is a great controversy in society over the promotion of standard working hours, at least it is the case now. The views of employers and employees are very diverse. Under such circumstances, the DAB considers that the Government should make more efforts and the implementation of standard working hours should be promoted at a steady pace. Given that a relevant committee has been set up now, I hope that it can be implemented in the next few years after a consensus has been reached.

This approach will be more practical than just yelling and criticizing, which will not help resolve the problem immediately. Hence, our approach is more rational, pragmatic and realistic. We also understand that industrial relations are very important, a subject which is also mentioned in another debate later on. If employers and employees are always antagonistic to each other, rendering negotiations totally impossible, any attempt to resolve problems by way of legislation may be futile. It may also be very difficult to promote the policy of standard working hours in future. Therefore, I believe those who are engaged in work relating to workers' rights should also understand the rationale behind this.

In fact, I also agree that family-friendly policies can be regarded as a kind of "dessert" as Mr LEE Cheuk-yan said. We hope that after the implementation of the nine measures proposed in the motion by Ms Starry LEE, families will become more harmonious. This is a very important point. Furthermore, people feel sad because of some family tragedies that happened recently. So, I hope all sectors can join hands in promoting family-friendly policies with a view to improving the current situation.

We have no reason to add salt to desserts. To do so is ridiculous. Moreover, no one will do so unless he has a mental problem. Some people like eating very sweet things, but some do not. This is the crux of the problem. Hence, Members may propose a lot of amendments to the original motion. Choices are open to them. There is no problem. However, I think the nine

suggestions in Ms Starry LEE's motion are feasible, and will bring great benefits to family-friendliness if the motion is passed by this Council and actively implemented by the Government.

I shall stop here.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Ms Starry LEE, you may now speak on the amendments. You may speak for up to five minutes.

MS STARRY LEE (in Cantonese): President, first of all, I would like to thank those 31 Members, including five Members who have proposed amendments, for speaking on today's motion. I have an observation. Among those Members who have spoken on the motion, eight of them are women, accounting for 79% of the total 11 women Members in this Council. Perhaps, owing to their gender and roles, they have played a relevant part in this motion debate.

Firstly, regarding Ms Claudia MO's amendment, she has added the proposal of providing support to single-parent families and low-income families, and additional resources for strengthening the functions of the Integrated Family Service Centres to my original motion. We support them.

Regarding Mr CHEUNG Kwok-che's amendment, he has mainly added items (10) to (16) to my motion and put forth concrete proposals relating to the handling of domestic violence. In addition, he has also made a lot of specific suggestions to tackle the problems faced by many families. So, we will support the relevant amendment.

Among the suggestions proposed by Dr Helena WONG, I particularly support the promotion of a community environment conducive to breastfeeding on public premises, and assistance for working mothers in taking care of their infants. However, she has deleted my proposal of setting up a social fund for

families in item (3); this I cannot support. As I have made it clear in my speech earlier, I hope that the Government will consider positioning itself at not only providing support to families in crisis, but also allocating more resources to support family education. I hope a social fund for families can be adopted as a pilot scheme so that additional resources can be allocated for supporting family education through the Government's actions. Hence, I cannot support Dr Helena WONG's amendment as she has deleted this item from my original motion. Therefore, we will oppose her amendment. But actually, I support other parts of her amendment.

As for Mr WONG Kwok-hing's amendment, he has added a lot of men's perspectives and we understand it because families are formed by men and women and family harmony should be built on the basis of satisfaction of both sexes. Regarding the men's perspectives he has added, I hope that the Government will give them careful consideration. In fact, consideration from men's perspectives was rare in the past.

However, in both the amendments of Mr KWOK Wai-keung and Mr WONG Kwok-hing, the wordings of my original motion "through employer-employee negotiations and a progressive approach" in respect of holiday arrangement are deleted or the proposal of legislation on standard working hours is added. I believe we all understand that our society is formed by many stakeholders, comprising the business and industrial sectors as well as the labour sector. It is unrealistic to propose any policy which has taken the interests of only one sector into account without giving due regard to the others' worries. It is also unrealistic to delete the concept of promoting the holiday arrangement "through employer-employee negotiations and a progressive approach" which will not bring any benefit to social harmony and family harmony. Thus, we will abstain on these two amendments.

President, I so submit.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I thank Members for their valuable views on the motion. Regarding various suggestions relating to the motion on "Actively promoting family-friendly policies", I would like to make some responses before the Secretary for Labour and Welfare making his responses relating to his policy portfolios later on.

As pointed out by many Members, in order to cultivate a culture of family-friendliness which is family-oriented, all sectors of the community have to work together to tie in with the efforts of family members. Only by doing so can the goal be practicable and realized. The establishment of the Family Council (the Council) precisely aims at providing a cross-sector and cross-bureau platform for promoting the implementation of family-friendly policies.

Quite a number of Members also recognize the importance of positive family education, which is also actively promoted by the authorities and the Council in recent years. The Council will continue to focus on the needs of different types of families and produce appropriate family education materials. As I mentioned earlier, teaching materials such as the "18 Handy Tips for Family Education", "Family Therapy Package" and the family education programme on marital relationship seek to enhance family relationship. Meanwhile, it will also promote family education in the community in collaboration with relevant bureaux and departments.

At the school level, the Education Bureau will continue to actively provide appropriate support to schools, the Parent Teacher Associations (PTAs) and the Federation of Parent-Teacher Associations (the Federations) of 18 Districts, as well as funding for home-school co-operation activities to help promote home-school co-operation and development of parent education. On the basis of home-school co-operation, the funding seeks to promote parent education through the PTAs and the Federations in order to assist parents in helping their children to learn and encourage parents to support the schools' learning activities.

As I mentioned earlier, there are many programmes organized by the Education Bureau currently to encourage and support students from low-income families to participate in various after-school activities. Compared with direct subsidies to individual students, the subsidy model of allocating funds to schools and non-governmental organizations (NGOs) for the organization of these activities can better ensure that the funds are used for supporting students' after-school activities. Furthermore, given the wide variety of after-school activities and the different expenditure requirements of students from different forms and even each individual student, funding to schools and NGOs can better achieve synergy, enabling the programmes to be more specific for targeted participants and effective in promoting development continuously.

In addition, Mr CHAN Kin-por, Dr Elizabeth QUAT, Mr POON Siu-ping and Miss CHAN Yuen-han have mentioned the importance of work-life balance. According to our observation, healthy employer-employee negotiations and interactions are really very important in promoting work-life balance. We noted that many employers had implemented a series of family-friendly measures in the last Family-Friendly Employers Award Scheme, and so we hope that through the upcoming Family-Friendly Employers Award Scheme, participation by the social welfare sector and social enterprises can be broadened, thereby creating more successful stories as positive encouragement. In this way, more organizations and corporations will be encouraged to implement family-friendly policies, leading to a more balanced and harmonious society.

Some Members have also suggested that the Council should address the emergence of diversified families and their needs, and promote a culture of mutual respect and tolerance of differences. The Council has established three core values of family including "Love and Care", "Responsibility and Respect" and "Communication and Harmony", which are the important elements of healthy and happy family life. Having consolidated the comparatively universal family values, these core values will help support a generally pro-family environment in a better way.

Ms Starry LEE and other Members have suggested that the Council should set up a "social fund for families". At present, various government departments and organizations have set up funds/schemes of different purposes for organization of activities by the relevant organizations and districts in order to support the healthy development of families. Although these funds/schemes may not necessarily aim at providing support to programmes of promoting family development, it will create a pro-family environment due to the synergy arising from these funded projects. In order to utilize resources in a more efficient manner and avoid overlapping with other funds of similar purposes, we will carefully consider the urgency and needs of setting up of a social fund for families.

However, we agree with the direction of promoting family education through a social fund for families or other types of funds. According to our experience, materials for family education should include how to improve communication among family members, how to help family members deal with pressure, resolve disputes and even elevate the spiritual well-being. Mr Paul TSE has mentioned the importance of psychological health. I believe the

Council will also further consider integrating various packages of materials of family education in this aspect in the hope that in-depth promotion can be carried out. Regarding the timing, many organizations in the business sector have provided relevant seminars as activities for their employees. According to their response, family-related courses and seminars such as parenting skills, stress management, how to further help children learning are well received among the staff. I believe through cross-sector co-operation, various sectors can give full play to the positive role of family-friendliness in the future.

Mr WONG Kwok-hing mentioned medical services for men. Regarding public healthcare services, the Hospital Authority (HA) has all along kept a close watch on the medical needs of the people overall and provided services on the basis of patient-oriented spirit. Meanwhile, the medical staff are well trained in taking care of patients of different backgrounds, including different gender, age, marital status, race and religious belief. The public healthcare services are provided by the HA on the basis of disease classification and specialties in order to meet the medical needs of both male and female patients. The HA will continue to conduct planning for the public healthcare services in future on the basis of the medical needs of the people as a whole.

Dr Helena WONG, Mr MA Fung-kwok, Miss Alice MAK and Mr Frankie YICK are concerned about facilities like babycare rooms. In August 2008, the Government formulated the Advisory Guidelines on Babycare Facilities for the reference of government departments and organizations in the public sector. As of July 2012, there were more than 170 babycare rooms in government properties; and at least 50 new babycare rooms will be completed in government properties in the coming years. Apart from commonly used cultural and recreational facilities such as playgrounds, libraries, civic centres, premises on which babycare rooms will be provided include community facilities under the Home Affairs Department and shopping malls in new housing estates under the Housing Department. Relevant information has been uploaded onto the website of the Department of Health and updating is made on a regular basis.

To promote and assist private commercial premises in providing babycare rooms, the Government has issued a Practice Note on the Provision of Babycare Rooms in Commercial Buildings (the Practice Note) since February 2009. The response of real estate developers is good. The shopping malls of The Link REIT and the MTRCL, for example, have increased babycare facilities

continuously. By making reference to the Practice Note, the Urban Renewal Authority has also added the provision of baby care rooms as a tender requirement for medium to large shopping mall projects. Some large shopping malls, department stores and hotels have also provided baby care rooms and facilities for breastfeeding purposes according to need.

When planning new public toilets, replacing or refurbishing existing facilities, the Food and Environmental Hygiene Department will do its best to adhere to the requirements under the Design Manual: Barrier Free Access 2008 by the Buildings Department to provide toilet facilities which are accessible, suitable for both men and women, including those carrying infants and children, people with disabilities and the elderly, and can be used with the assistance of their family members where necessary. In addition, such facilities are also provided in most venues under the Leisure and Cultural Services Department, including sports centres, parks, swimming pools, beaches, libraries, museums and civic centres, for more convenient use by family members.

Mr IP Kin-yuen mentioned the practicable implementation of free education, especially at the kindergarten level. The Education Bureau set up a committee on 8 April 2013 to examine the relevant issue. Given the relative complexity of the issue and different views of stakeholders, the committee will take about two years to complete the study before making recommendations to the Education Bureau to take this forward.

President, I thank Members for their concern for the promotion of family harmony. With the changes of time, family as the cornerstone of society will inevitably face a lot of challenges. To build a loving and harmonious family, it needs the active participation of each and every family member. We need the co-operation of all sectors in the community to actively promote family core values, advocate a culture of loving family, and create and support a pro-family environment. The Secretary for Labour and Welfare will make a response relating to his policy portfolios later on.

President, I so submit.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I am grateful to the 26 Members for their speeches earlier. And as I have said in

my opening speech, when considering welfare policies, the Government will regard "a family-oriented approach" as the core value. We have always attached great importance to family life education. In order to consolidate and strengthen the roles played by families, the Social Welfare Department (SWD) provides a wide range of preventive, support and therapeutic services to families in need. Apart from producing resource manuals, we hold family life education activities for children and parents to promote family education related to the roles played by parents and children, as well as in the ethical issues involved. All these activities are held by family life education service units, Integrated Family Service Centres and integrated service centres.

Many Members are concerned about the provision of support to families in crisis. I wish to point out that we are also very much concerned about such problems. Therefore, the SWD provides some special welfare services targeted at these families. These include the Family Crisis Support Centres where family members are protected and problems prevented from deterioration.

Moreover, Mr CHEUNG Kwok-che and other Members have said that the Government should allow new arrivals to Hong Kong, especially those victims of domestic violence, to apply for public rental housing (PRH) without having to fulfil the seven-year residency requirement. I wish to point out that before the SWD decides to make a recommendation on compassionate grounds to the Housing Department, the social worker concerned will make a professional judgment on the special circumstances of the applicant in question. These circumstances include an assessment made of the applicant as to whether he or she has enough medical or social grounds to merit compassionate rehousing. The housing problem caused by domestic violence is one of such social factors we would consider. However, it does not mean that all abused women will have their housing problems solved by compassionate rehousing.

With respect to Comprehensive Social Security Assistance (CSSA), the Director of Social Welfare may exercise his discretion under special circumstances and issue CSSA payments to people who do not meet the residency requirement. The Director will also consider all the related factors to determine whether or not the applicant is in genuine hardship. If an applicant is a victim of domestic violence and is forced to move with her children away from her spouse, and if the applicant does not have an income or other resources, the Director will

as a general rule exercise his discretion to waive the residence requirement on the applicant.

Members are also concerned about beds and resources in the shelters. In fact, the average accommodation rate for the five women's shelters is about 80% during the year 2012-2013. Over the past three years, these women's shelters did not experience any full occupancy. However, we will keep a close watch on the occupancy rate of these shelters and conduct a review to gauge the needs for additional beds. During the past few years, we have also deployed additional resources to strengthen the support services of these women's shelters after office hours. And the manpower of these shelters has seen enhancement.

Mr WONG Kwok-hing also suggested providing dedicated crisis intervention and shelter services for abused men. The SWD provides a wide range of services and assistance to victims of domestic violence and their family members. These include 24-hour telephone hotlines and counselling services. These services are available to all victims of abuse, irrespective of their gender. Individual NGOs have also set up special hotlines for men.

Mr WONG Kwok-hing also suggests that a men's commission be set up. In our opinion, there is as yet no consensus in society on setting up such a commission. But we will keep a close watch on the developments. In the meantime, when the Government formulates policies or schemes or rolls out these, we will adopt a principle of gender equality and consider the problems from the viewpoints and needs of both genders. The aim is to enable all the citizens of Hong Kong, be they male or female, can have the same chance to benefit from resources in society. These policies include promoting family-friendly employment measures and legislation on paid paternity leave. We have all along been working on these two areas.

Dr Helena WONG suggests that there should be long-term planning in welfare services in the light of population ageing. She suggests that all the places in the residential homes for the elderly and day care centres should be put under a review. We agree with it completely and we are working on it. Members should understand that with the major policy direction of "ageing at home as the basis and care in institutions as backup", we are endeavouring to increase the residential care places and strengthen the daytime services. In the current financial year, the funding for elderly care services is as much as

\$5.58 billion, or an increase of 12% compared with last year. There will be an increase of about 1 200 residential places for the elderly from the current financial year to the year 2015-2016. In September, we will introduce the Pilot Scheme on Community Care Service Voucher for the Elderly and we will use the concept of "money follows patients". We hope that the new thinking can lead to diversified development in community care service and take forward our policy of ageing at home.

Some Members suggest that we should allow elderly or disabled persons to apply for CSSA on an individual basis. Many Members have mentioned the so-called "bad son statement". I have to clarify once again that the document is just a statement declaring that the person concerned will not provide any financial support to his or her parents. The document is a simple financial declaration applicable to all CSSA applications. It is not targeted at any particular person. Its aim is to verify whether the applicant has got other sources of income, thereby assessing the amount of payment they need. Members should understand that the purpose of that is assessment. If there are applicants whose families are particularly hard-up or in discord, we will contact the SWD and, depending on the individual cases, see if there is any need to exercise discretion to permit applications on an individual basis. Of course, we have to look at the applicant's family condition. Why do we specify that applications should be made on the family basis? As Members know, we trust that families are the basic units of society and members from the same family should help each other. Therefore, the CSSA system must adopt the family as its basic unit. If we allow elderly persons living with their family members apply on an individual basis, this would imply fundamental changes to the system itself. We must consider this carefully and so we must not abolish this arrangement in haste. We must give it careful consideration.

A few Members have mentioned that the seven-year residency requirement for CSSA application is a restriction. They point out that many applicants are prevented from being eligible to apply for CSSA because of this restriction. I wish to reiterate that for new arrivals to Hong Kong, should they want to be self-reliant in looking for a job, they will be granted CSSA as a general rule as some kind of living allowance. In fact, many people are on this kind of CSSA and so far we have approved some 13 000 such applications.

Members are very much concerned about child-minding services. And so are we. The Government of this term hopes to identify what can be done under the Poverty Commission. Our concern is that as the population of Hong Kong ages, how the labour force of women can be released. To tap this labour force of women, it is essential to enhance child-minding services. We are now studying what can be done in this aspect. We hold a completely open attitude in that. However, we will also be pragmatic, for example, we will expand the home-based child care services to evenings and on Saturdays and Sundays. We hope that the services can be more flexible to enable women to leave their kids for a while if they have some errands to attend to or even a job to do.

With respect to what Ms Claudia MO has said about the employment support scheme and retraining services for single-parent families, I am grateful for her suggestions. I would like to point out that both the Labour Department (LD) and the Employees' Retraining Board have provided a lot of such services to enable eligible single parents to be given priority in access to retraining opportunities. For those single parents with a child of not more than 18 years of age, they will be given priority when they enrol in such courses. This will enable them to equip themselves and enter the labour market earlier.

Ms Starry LEE mentioned that public and private-sector organizations should be encouraged to adopt family-friendly employment measures. I agree with this suggestion completely. All along the LD has been earnestly promoting family-friendly employment measures. We will send this message out through the Human Resources Managers Clubs of the 18 districts. Members know that we are working hard to deal with the issue of paternity leave. We hope that a law can be introduced to this Council after the resumption of meetings after the summer recess to provide for three days' of paid paternity leave for male employees. I wish to clarify one point here and actually I have done so before and it is about Mr KWOK Wai-keung's suggestion that seven days' of paid paternity leave should be given. I hope Members can see that three days are a starting point. I always say that this is the first step which is appropriate. It is because both the employers and employees have arrived at a consensus in the meetings of the Labour Advisory Board (LAB) and the Panel on Manpower of this Council. I hope work on this can commence soon with the introduction of three days' paid paternity leave. Then we will undertake a review of the actual

circumstances and the LAB has agreed that it will conduct a review after one year. So we have room for improvement in future when necessary.

As to the suggestion made by some Members as to whether the maternity leave can be increased to 14 weeks, I wish to explain that the present arrangement fits the social and economic developments of Hong Kong and a balance is struck between the affordability of employers and the interests of employees. We will review issues relating to the rights and interests of employees to see if there is room for improvement, and we will do so in the light of economic development in Hong Kong and the pace of social progress made. But the most important point is that the 10-week paid maternity leave is the basic requirement in law. We encourage employers to treat their staff better and we are always striking this message home.

I would like to talk briefly on the question of statutory holidays. Holiday arrangements in Hong Kong are either 12 or 17 days a year. Ms Starry LEE would like to see the two arrangements merged into one. I would like to explain that currently, the 17 days of public holidays are institutional holidays, being those days on which banks, education institutions, public bodies and government departments do not have to work. By nature these are institutional holidays, but the statutory holidays under the Employment Ordinance (or commonly called labour holidays) are regarded as employees' benefits. They are statutory benefits. And so they are by nature different and have different backgrounds. We understand that there are calls in society urging for a review of this. Therefore, the LD has undertaken a survey whereby the Census and Statistics Department was requested to examine how many people in Hong Kong can enjoy 12 days of holidays and how many can have 17 days of holidays. We have received the relevant data and we are in the process of analysing them. After this, the data will be submitted to the LAB for discussion. Then the results will be reported to the Panel on Manpower of this Council.

I would like to clarify that this number of 12 days of statutory holidays has undergone widespread consultation in society and it was adopted after a consensus was reached among various sectors. It is not something conjured up by us out of nothing. There is a background to it as well. I wish to stress that if the other five days are to be turned into statutory holidays, then we should consider the impact on the SMEs. In addition, there are 310 000 foreign domestic helpers in Hong Kong and they are hired by some 200 000 families

here. We should also consider the impact of this on them. So in the course of our analysis of the data, we will take all these factors into consideration.

With respect to standard working hours, I would just want to give a brief response. We all know that the Standard Working Hours Committee has just commenced its work. I hope Members can give the Committee some time. They are really taking a pragmatic approach, hoping to use an objective and in-depth perspective to examine the issue and determine the future direction. Therefore, I think we should give it some time and room.

President, the Government like all Members attaches great importance to family harmony. In fact, we share the same goal and, that is, to see harmony in the family which will in turn make society harmonious. We will continue with our promotion, education and legislative work and that includes the statutory paid paternity leave which I have just said. We will continue to work in this direction and we hope that labour rights can be gradually improved and a harmonious society built. In this process, I think that it is important to maintain a communication mechanism between the three parties of employees, employers and the Government. President, may I thank Members once again for their valuable suggestions today. Thank you.

PRESIDENT (in Cantonese): I now invite Mr KWOK Wai-keung to move his amendment.

MR KWOK WAI-KEUNG (in Cantonese): President, I move that Ms Starry LEE's motion be amended.

Mr KWOK Wai-keung moved the following amendment: (Translation)

"To delete "given" after "That," and substitute with "with"; to delete "implementing a flexible leave policy, etc." after "'flexible hours and flexible places', and" and substitute with "expeditiously putting in place seven-day full-pay paternity leave as well as creating parental leave such as care leave, etc.; at the same time, to increase maternity leave to 14 weeks as recommended by the International Labour Organization in the Maternity Protection Convention, 2000, during which employees should

be entitled to full pay, and to provide a period of postnatal employment protection to protect women against unreasonable dismissal after delivery"; to delete "include all public holidays other than Sundays as paid statutory holidays through employer-employee negotiations and a progressive approach" after "(7) to" and substitute with "amend the Employment Ordinance to increase the number of statutory holidays on a par with the 17 days of public holidays, and at the same time require employers to raise the compensation to employees for working on holidays"; to add "(8) to expeditiously legislate on standard working hours to ensure that employees achieve a reasonable balance between work and family life, so as to foster mutual love among family members;" after "value of family;"; to delete the original "(8)" and substitute with "(9)"; and to delete the original "(9)" and substitute with "(10)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr KWOK Wai-keung to Ms Starry LEE's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ir Dr LO Wai-kwok rose to claim a division.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Dr Joseph LEE, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Miss CHAN Yuen-han, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr YIU Si-wing, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Martin LIAO, Ir Dr LO Wai-kwok and Mr CHUNG Kwok-pan voted against the amendment.

Ms Starry LEE, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr Christopher CHEUNG and Mr Tony TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Ms Emily LAU, Mr WONG Kwok-hing, Ms Cyd HO, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG voted for the amendment.

Dr Priscilla LEUNG and Mr James TIEN voted against the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 13 were in favour of the amendment, 12 against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 18 were in favour of the amendment, two against it and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MR ANDREW LEUNG (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion "Actively promoting family-friendly policies" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Actively promoting family-friendly policies" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, you may move your amendment.

MR WONG KWOK-HING (in Cantonese): President, I move that Ms Starry LEE's motion be amended.

Mr WONG Kwok-hing moved the following amendment: (Translation)

"To delete ", given" after "That" and substitute with "with"; to delete ", which have" after "in recent years" and substitute with "has"; to add "(with particular attention to the gradual increase in recent years in the number of cases of men being abused)" after "Hong Kong at present"; to add ", and, at the same time, allocate additional resources to assist men in resolving family problems, for example, setting up at service units special hotlines for men which are operated by male social workers or counsellors to provide dedicated crisis intervention and shelter services, etc. for abused men; (2) targetting on men's roles and problems connected with their family status, to formulate a comprehensive and long-term policy on men, and allocate resources correspondingly (for example, considering the setting up of a Men's Commission, studying the conduct of surveys on men's health, and establishing men's specialist clinics to promote men's

health)" after "targeted services"; to delete the original "(2)" and substitute with "(3)"; to delete the original "(3)" and substitute with "(4)"; to delete the original "(4)" and substitute with "(5)"; to delete the original "(5)" and substitute with "(6)"; to delete the original "(6)" and substitute with "(7)"; to delete ", and implementing a flexible leave policy, etc." after "'flexible hours and flexible places"; to delete the original "(7)" and substitute with "(8)"; to delete "through employer-employee negotiations and a progressive approach" after "paid statutory holidays"; to delete the original "(8)" and substitute with "(9)"; and to delete the original "(9)" and substitute with "(10)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Kwok-hing to Ms Starry LEE's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Christopher CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Christopher CHEUNG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Dr Joseph LEE, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr NG Leung-sing, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok and Mr CHUNG Kwok-pan voted against the amendment.

Ms Starry LEE, Mr IP Kwok-him, Mr Steven HO, Mr YIU Si-wing and Mr Tony TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Ms Emily LAU, Mr WONG Kwok-hing, Ms Cyd HO, Mr WONG Kwok-kin, Mr Alan LEONG, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG voted for the amendment.

Mr James TIEN voted against the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr LEUNG Kwok-hung, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 17 were in favour of the amendment, nine against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 17 were in favour of the amendment, one against it and nine abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was passed.

PRESIDENT (in Cantonese): Dr Helena WONG, as the amendment of Mr WONG Kwok-hing has been passed, you may now move your revised amendment.

DR HELENA WONG (in Cantonese): President, I move that Ms Starry LEE's motion, as amended by Mr WONG Kwok-hing, be further amended by my revised amendment.

Dr Helena WONG moved the following further amendment to the motion as amended by Mr WONG Kwok-hing: (Translation)

"To add "; (11) to legislate for requiring that breastfeeding rooms be provided in public premises to promote a community environment conducive to breastfeeding, and assist working mothers in taking care of their infants; (12) to promote the construction of family-friendly unisex toilets in Hong Kong's public places (including hospitals) to facilitate family members of different sexes to take care of each other; (13) to review the number of places at residential care homes for the elderly and day care centres in various districts of Hong Kong, shorten the waiting time for elderly services, and formulate long-term planning on welfare services in response to population ageing; to facilitate visits to elderly persons by their family members, and support the policy of ageing in place, so as to promote family cohesion; (14) to set up a family carers subsidy scheme, allowing carers who need to take care of their family members and are therefore unable to work full-time in the labour market

to obtain a reasonable income subsidy to alleviate their financial burden; (15) to implement 14-week full-pay maternity leave, and legislate for providing men with paid paternity leave; (16) to legislate for setting the number of standard working hours at 44 per week and the payment of compensation for overtime work 1.5 times the normal pay; (17) to seriously address the emergence of diversified families and their needs, and promote a culture of mutual respect and tolerance towards differences; and (18) to set up more fitness facilities for the elderly" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr Helena WONG's amendment to Ms Starry LEE's motion as amended by Mr WONG Kwok-hing, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ir Dr LO Wai-kwok rose to claim a division.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Dr Joseph LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Miss CHAN Yuen-han, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Christopher CHEUNG, Mr Martin LIAO, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the amendment.

Mr CHAN Kin-por abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Ms Emily LAU, Mr WONG Kwok-hing, Ms Cyd HO, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG voted for the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr James TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 32 were present, 12 were in favour of the amendment, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 18 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che, as the amendment of Mr WONG Kwok-hing has been passed, you may now move your revised amendment.

MR CHEUNG KWOK-CHE (in Cantonese): President, I move that Ms Starry LEE's motion, as amended by Mr WONG Kwok-hing, be further amended by my revised amendment.

Mr CHEUNG Kwok-che moved the following further amendment to the motion as amended by Mr WONG Kwok-hing: (Translation)

"To add "; (11) to review the Conditional Tenancy Scheme and the Comprehensive Social Security Assistance ('CSSA') Scheme to allow domestic violence victims who are new arrivals to apply for public housing and CSSA without having to have resided in Hong Kong for at least seven years, so that they can get assistance and rebuild a healthy family life; (12) to improve gender awareness and sexual orientation training for judicial, legal and healthcare personnel as well as social workers in handling domestic violence problems, and require abusers to receive counselling services; (13) to strengthen publicity and assist female victims of domestic violence in seeking legal protection, and set up a domestic violence court dedicated to handling the relevant issues, so that the judicial sector can accumulate experience to help abusers and victims in the legal respect; (14) to increase the number of medical social workers and the manpower of counselling and supportive grades of the Family and Child Protective Services Units of the Social Welfare Department to assist in handling domestic violence cases; (15) to set up transitional residential service centres, increase the places at refuge centres, support centres and

singleton hostels and the resources for domestic violence victims, so as to resolve the existing problems of short duration of residence and the lack of catering services in such centres, enabling victims to avoid suffering from domestic violence and live a normal family life again; (16) to immediately allow elderly persons and persons with disabilities to apply for CSSA on an individual basis, and exempt their family members from having to make any declaration arrangement for not providing support to them, so as to stop breaking up the families of elderly persons and persons with disabilities; and (17) to introduce an extra-curriculum activity subsidy to reduce family frictions and social problems arising from the inability of low-income families to allow their children to participate in extra-curriculum activities due to financial difficulties" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr CHEUNG Kwok-che's amendment to Ms Starry LEE's motion as amended by Mr WONG Kwok-hing, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ir Dr LO Wai-kwok rose to claim a division.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr Frederick FUNG, Dr Joseph LEE, Mr WONG Ting-kwong, Ms Starry LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr IP Kwok-him, Mr Steven HO, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok and Mr CHUNG Kwok-pan voted against the amendment.

Mr CHAN Kin-por, Mr NG Leung-sing, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Martin LIAO and Mr Tony TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Ms Emily LAU, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Ms Cyd HO, Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Dr Kenneth CHAN, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Dr Elizabeth QUAT and Mr Christopher CHUNG voted for amendment.

Mr James TIEN voted against the amendment.

Dr Priscilla LEUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 32 were present, 17 were in favour of the amendment, nine against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 25 were in favour of the amendment, one against it and one abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was passed.

PRESIDENT (in Cantonese): Ms Claudia MO, as the amendments of Mr WONG Kwok-hing and Mr CHEUNG Kwok-che have been passed, you may now move your revised amendment.

MS CLAUDIA MO (in Cantonese): President, I move that Ms Starry LEE's motion, as amended by Mr WONG Kwok-hing and Mr CHEUNG Kwok-che, be further amended by my revised amendment.

Ms Claudia MO moved the following further amendment to the motion as amended by Mr WONG Kwok-hing and Mr CHEUNG Kwok-che:
(Translation)

"To add "; (18) to extend the service targets of the Government's existing employment support schemes, retraining services and child-minding services to all single-parent families to assist all single carers in finding jobs, so as to improve their family incomes and enable their children to grow up in a better environment; (19) to provide financial assistance to all low-income single-parent families, so as to help children in single-parent families grow up healthily; and (20) to allocate additional resources to set up more Integrated Family Service Centres in districts with greater service demands, and increase the numbers of case-handling professional grade staff and other support staff, so as to provide families in need with more suitable activities and services" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Ms Claudia MO's amendment to Ms Starry LEE's motion as amended by Mr WONG Kwok-hing and Mr CHEUNG Kwok-che, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Christopher CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Christopher CHEUNG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Mr Joseph LEE, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr IP Kwok-him, Mr Steven HO, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok and Mr CHUNG Kwok-pan voted against the amendment.

Mr NG Leung-sing, Mr YIU Si-wing, Mr MA Fung-kwok and Mr Tony TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Ms Emily LAU, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr Ronny TONG, Ms Cyd HO, Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Dr Kenneth CHAN, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Dr Elizabeth QUAT and Mr Christopher CHUNG voted for the amendment.

Mr James TIEN voted against the amendment.

Dr Priscilla LEUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 33 were present, 20 were in favour of the amendment, nine against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 26 were in favour of the amendment, one against it and one abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was passed.

PRESIDENT (in Cantonese): Ms Starry LEE, you still have 24 seconds for your reply.

MS STARRY LEE (in Cantonese): President, some Members have described the promotion of family-friendly policies as a dessert. If this is the case, then let everyone in the community try to have a taste of it. For if not, we have discussed the topic for four hours and the result is nothing. What have we done for society? I hope Members can be tolerant of each other's differences and lend their support to the motion "Actively promoting family-friendly policies".

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Starry LEE, as amended by Mr WONG Kwok-hing, Mr CHEUNG Kwok-che and Ms Claudia MO, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Dr Joseph LEE, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr MA Fung-kwok, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu and Mr Tony TSE voted for the motion as amended.

Mr Tommy CHEUNG, Mr Vincent FANG and Mr CHUNG Kwok-pan voted against the motion as amended.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr YIU Si-wing, Mr Christopher CHEUNG and Ir Dr LO Wai-kwok abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Ms Emily LAU, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr Ronny TONG, Ms Cyd HO, Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Dr Kenneth CHAN, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Dr Elizabeth QUAT and Mr Christopher CHUNG voted for the motion as amended.

Mr James TIEN voted against the motion as amended.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 33 were present, 23 were in favour of the motion as amended, three against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 26 were in favour of the motion as amended and one against it. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion as amended was passed.

PRESIDENT (in Cantonese): Second Members' motion: Enacting Legislation on the Right to Collective Bargaining.

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

I now invite Mr LEE Cheuk-yan to speak and move his motion.

ENACTING LEGISLATION ON THE RIGHT TO COLLECTIVE BARGAINING

MR LEE CHEUK-YAN (in Cantonese): President, I move that the motion as set out on the Agenda be passed.

President, first of all, I take my hat off to the dock workers who have been on strike for 40 days. It is because of their industrial action to stand to the last that the people of Hong Kong can have a chance to know what is meant by the "three rights of labour". These include one right that we are going to discuss today and that is, the right to collective bargaining. What are the "three rights of labour"? These are very fundamental human rights and labour rights. First, there should be the right to organize into trade unions. Now there is no such right to organize into trade unions in China and people cannot form any independent trade unions. But in Hong Kong, people can form societies freely and they have the right to organize into trade unions. But what is the point of forming trade unions? It is not to hand out seasonal delicacies to workers but to improve their treatment. That is why two other rights are derived to improve the conditions of workers. They are the right to stage a strike and the right to collective bargaining.

If workers have the right to collective bargaining, that means the employers must negotiate with them on the conditions of work. When a trade union has got the right to collective bargaining, it can at least have the right to open dialogues and hold negotiations. A trade union can negotiate with the employer on behalf of workers who do not have any bargaining power. This can change the position of the workers which are often at a disadvantage. Of course, it is not enough if workers only have the right to collective bargaining, they should also have the right to strike. This is because if negotiations fall through, then what should be done? Workers have to be on strike. However, the right to strike itself carries immunity from claims and liabilities. So on this occasion when Hutchison Whampoa Limited sues us, and demands that an injunction be issued against us, we can invoke the Trade Unions Ordinance and protect workers on strike so that they will be immune from any charges pressed by the employer or any claims made. There is also the right to engage in peaceful picketing. This is the right to strike. These three rights together are called the "three rights of labour".

These "three rights of labour" are the results of the efforts made by unionists in history. These unionists have striven boldly to achieve these goals. Why do we have the right to collective bargaining? As seen in history, it can be said that it is related to the efforts made by capitalism to improve itself. As we know, after the two world wars, it was realized that there was an extremely uneven distribution of wealth and there was an enormous disparity between the rich and the poor, hence workers were unable to share the fruits of prosperity. As a result, capitalism was impacted and it was not stable, worried that capitalism would one day lose out to socialism in competition. It was against such a historical background that the International Labour Organisation (ILO) formulated conventions to give workers the right to organize into trade unions and engage in collective bargaining. It was hoped that the disadvantaged position of workers in the labour market could be reversed. Against the macro situation of 1949 the Western countries adopted the right to collective bargaining. In a sense it can be said that it helped save capitalism and capitalism can thus continue to function. For the workers, at least they thought that by using the right to collective bargaining, they could share the fruits of prosperity. This led to the so-called the three golden decades of capitalism.

As we look at the situation in Hong Kong, we know that although Hong Kong says that it has signed No. 98 of the International Labour Convention, the criteria for international conventions on labour which I have just mentioned were

set down in 1949. What are these criteria? There is a paragraph in it which states clearly the responsibility of a government. I will talk later about the question of whether the Hong Kong Government has fulfilled its duty as a signatory party and what appropriate measures it has taken to encourage and promote both employers and employees to develop and utilize the machinery for collective bargaining and determine terms and conditions of employment through agreements reached after collective bargaining. Hong Kong is a signatory party to that international convention. But there is another international convention and, that is, No. 154 which we have not signed. That convention is a better one because it is clearly provided therein that if the collective bargaining system is not widely in use, the signatory parties shall enact laws for its implementation. Actually, it is stated in convention No. 98 that a government has the responsibility to encourage and promote the right to collective bargaining. This convention No. 98 is incorporated into our constitution by way of Article 39 of the Basic Law which provides that "The provisions of international labour conventions as applied to Hong Kong shall remain in force". So I would like to state clearly from the outset that the right to collective bargaining does have a constitutional status and it also has a status in international labour conventions.

What is good about the right to collective bargaining? We have first to think about why we should have the right to collective bargaining. Actually, in many cases, it is for the good of employers. First, it can reduce conflicts between both parties caused by misunderstandings. Second, there can be industrial peace, that is, both parties will have a peaceful period. Why should there be a peaceful period? When workers do not go on strike, the boss can give them better terms in negotiations. Often it is because of this peaceful period that they will sign a contract for three years, specifying how salary is to be increased during this three-year period. In this way they can reach an agreement and list the benefits and what can be done to effect gradual improvement. There will be this kind of a three-year period of peace agreed between them. Actually, this is a very important merit of the right to collective bargaining and its contribution to society is that it will increase productivity. As a result, production will be enhanced when people have a sense of belonging. Many studies have shown that companies with an agreement set down by collective bargaining do have a greater productivity than companies which do not have this kind of agreement.

At last, and it is also very important that this can enable workers who are at a disadvantage to shift their position to a balance. And there will be more flexicurity. This is a new word formed by the words "flexibility" and "security". It means that there is flexibility while the workers are protected. A good thing about the right to collective bargaining is that both parties can talk about how the company concerned is to position itself. If we are to enact a law, then what we do is to take an across-the-board approach. Actually, this right to collective bargaining leaves much room for both employers and employees to discuss issues like what is the ideal positioning for the company. So the right to collective bargaining is also good to employers because it can enhance productivity, reduce conflicts and labour disputes. It is also good for workers because it can enable them to be treated fairly and to not remain in a disadvantaged position.

How then is the condition of the right to collective bargaining implemented in Hong Kong? First, I think the Secretary for Labour and Welfare will say later that Hong Kong does not need the right to collective bargaining because labour relations here are harmonious. What they talk about being harmonious (和諧)¹ is what is meant by *he xie* (河蟹) as the faddish word used now. By all appearances, it seems that there is harmony or *he xie* in labour relations in Hong Kong. Why? Because we do not see too many strikes here. But that does not mean that it is harmonious. It only shows that the weak are repressed by the powerful. Workers have to accept whatever thrown their way and they cannot say a word when they do not get a pay rise or even get a pay cut or when they are laid off. They have to bear all the injustices. It is really unfair to the workers. This situation has been going on for years and workers are fed up. But they do not have any power or bargaining power to fight back. The kind of *he xie* which the Secretary talks about later is a bogus kind of harmony and it is not the real thing at all.

Second, how do employers see collective bargaining? As a matter of fact, what the employers want most to see is that there is no such thing as collective bargaining because they would not consider factors like raising productivity or a sense of belonging. They just want to do what they like. They think since they are the boss, they can force their will upon workers. This is what the employers would want most. This is what they call flexibility. What in fact is flexibility? Flexibility according to the employers is pain and suffering for the workers. This is because what they mean by flexibility is that for salary reduction, not

¹ The word "和諧" (harmony) pronounced in Putonghua is "河蟹" (river crab)

increase. It is the flexibility of increasing working hours and workload. Workers do not want this kind of flexibility. But because they do not have the right to collective bargaining, the employers can do whatever they like and they can impose their will on the workers.

Then what about the Government? There is collusion between the Government and business and the Government favours the consortia. LEUNG Chun-ying is a chameleon. He once wrote an article in *Ming Pao Daily News*. Before he was returned as the Chief Executive, he had written many articles and pretended to be a nice person. This is a very good article. He says to this effect: Under the notion of equality in modern society, efforts should be made to prevent excessive bullying of the weak by the strong. This sounds very nice, does it not? He also says to this effect: The right to collective bargaining is part of the efforts made by capitalism in improving itself and it is also part of the reasons why a capitalist society can successfully cope with the challenge of socialism. The abovementioned protection accorded to the weak is a kind of market intervention by the Government and through such means as legislation and public powers. The result is the market forces of the weak and strong have to a certain extent been changed. This really sounds very nice and he has really written this.

But what has he been saying recently? When giving a reply to my question raised during a Question and Answer Session, he said that collective bargaining might not necessarily be a good thing because it was doubtful whether the working class at the grass-roots level could really benefit. He was of the view that the issue should be reconsidered. Then he talked about other issues like public housing which were not relevant. We can see that at first he said that the weak and the strong should be reversed. But when he assumed the office of the Chief Executive, he became a chameleon, changed his stand and said that the issue should be reconsidered. It can therefore be seen that the stand shown by the Government with respect to collective bargaining is that the employers are favoured.

Well, we can leave LEUNG Chun-ying aside and talk about Secretary Matthew CHEUNG. What will Secretary Matthew CHEUNG say in reply later on? With respect to the right to collective bargaining, he will say that the international conventions do not require us to enact legislation and we are only required to promote it. Then we have held so many meetings and discussions in the hope that employers can talk with employees more. But it is not enough just to maintain dialogues with the staff. We want the right to collective bargaining.

What is the enlightenment for us in this case of the strike by the dock workers? I often say that I have sympathy for the Government because it is incompetent. Why? The Government wanted the bosses to come for the discussion, but they did not care and even the contractors did not care about the Government as well. Why? Because when there is no right to collective bargaining, they do not have to care about the Government at all according to the law. But if there is a sound system for collective bargaining, the employers have to act according to the law and engage in collective bargaining with a trade union representing more than 50% of the workers.

So if there is a law in place, then we can prevent strikes because workers do not have to resort to staging a strike to force the employers to come to the conference table. Workers can do this by acting according to the law and the employers will have to negotiate with the trade unions. Unfortunately, although our Government has signed these international labour conventions, it has not done anything to promote the system of collective bargaining.

President, you know that we passed a law on the right to collective bargaining in 1997. Two weeks after its passage, the law was frozen and four months later, it was repealed. We are all familiar with this episode in history. One of the most important goals I have been striving to achieve all through these years is to restore the law on collective bargaining. At that time we complained to the ILO and said that repeal was a contravention of the international labour conventions. What is their judgment given in reply? It is that in their opinion, the repeal is a contravention of the principles enshrined in the conventions and it is suggested that the Government — actually the recommendation was passed onto the Government — that it should enact a law on obliging employers to recognize the right to collective bargaining. This is very clear. But the SAR Government does not care about the recommendation made by the ILO, though it attends the relevant meetings every year. I do not know why the Government still has got the face to attend ILO meetings because it does not show any respect for the rulings made by the ILO.

The stand shown by the Government makes the workers think that nothing can be done. We in the Confederation of Trade Unions have no other choice but to stage a strike before the employers are compelled to negotiate with us. Maybe the Government thinks that we have not staged many strikes and so there is no need to enact legislation. Does it want to see a large number of strikes

before it recognizes the need to enact laws so that we will go for negotiation instead of strikes? Does it mean that we have not been staging enough strikes? I wish to hear what the Secretary has got to say on that point and I hope that all the wage earners in Hong Kong will see why the Government does not want to enact laws on that and whether it is because we have not staged enough strikes.

We hope that we can go in this direction and demand legislation. We will organize workers to take collective actions and force employers to return to the negotiation table to solve problems.

I shall stop here. Thank you, President.

Mr LEE Cheuk-yan moved the following motion: (Translation)

"That the International Labour Organization ('ILO') ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended that the Government formulate legal provisions to put in place objective procedures for determining the representative status of trade unions for collective bargaining purposes, but the Administration has yet to implement ILO's recommendation; this Council expresses deep regret in this regard, and urges the Government to expeditiously legislate to affirm workers' right to collective bargaining; the relevant legislation must include:

- (1) to lay down objective criteria and procedures for determining bargaining units and the bargaining status of trade unions;
- (2) to require employees and employers to negotiate in good faith the employment terms and conditions as well as other issues involving labour relations;
- (3) to clarify the legal effect of collective agreements reached between employees and employers; and
- (4) to formulate remedial measures for contravention of collective bargaining requirements and collective agreement terms."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LEE Cheuk-yan be passed.

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

I will first call upon Mr TANG Ka-piu to speak, to be followed by Mr Christopher CHUNG; but they may not move amendments at this stage.

MR TANG KA-PIU (in Cantonese): President, the FTU has been founded for 65 years and all along it has been fighting for the rights of workers. In fact, every decision we make and every step we take is for the interest of workers. It is based on the consideration of workers' rights that we make our decisions.

Fighting for the right to collective bargaining is one of the three major goals of the FTU in promoting the unionist movement. As early as when the Basic Law was being drafted, the FTU had worked with other trade unions in striving to achieve the three major goals, namely, the right and freedom of organizing trade unions, joining trade unions and staging strikes. We requested the Basic Law Drafting Committee (BLDC) to include these objectives into the provisions of the Basic Law.

I often hear some veteran trade unionists tell this story. In 1989, the BLDC held its last meeting in Guangzhou before the text of the Basic Law was finalized. And the Basic Law Alliance of the Labour Sector in making their last-ditch efforts brought banners to Guangzhou and demanded that the BLDC accept their request and incorporate the right to collective bargaining into the Basic Law.

Unfortunately, however, only two rights were accepted eventually and they were: the freedom to organize trade unions and joining trade unions, as well as the right and freedom to strike. The right to collective bargaining was not incorporated into the Basic Law, to the regret of many unionist forerunners. But we have not given up and over the past 20 years or so, the FTU has been working

through various means and channels to demand that legislation be enacted on the right to collective bargaining. This is as important as our fight for minimum wage and standard working hours.

President, there used to be views claiming that the FTU does not support the right to collective bargaining. This is a misunderstanding. All along the FTU supports the right to collective bargaining. For example, on 12 May 1993, when Mr LAU Chin-shek moved his adjournment debate on collective bargaining, the representative from the FTU, Mr TAM Yiu-chung, made it clear in his speech that it was absolutely necessary to have collective bargaining in Hong Kong. In 1999 and 2002 when motions were moved on the right to collective bargaining, Members from the FTU voted in favour of the motions. In 2009, Mr IP Wai-ming, a Member from the labour sector during the last term of this Council proposed in his motion on "Assisting grassroots workers in counteracting economic adversities" that work to legislate for the right to collective bargaining at central, trade and enterprise levels should commence at once. From this it can be seen that the FTU will not only lend its support to the right to collective bargaining but it will also work to see its implementation.

President, many people criticize the FTU for supporting the repeal of the law and opposing the former Legislative Council before 1997 to enact a law on the right to collective bargaining. Although I was not personally involved, as a newcomer to this Council and speaking from my few months of experience here, I understand that it would be most dangerous and irresponsible to implement a piece of legislation which has far-reaching impact on the wage earners and labour relations before it is ever deliberated on. So we will not pass the amendment to the Companies Ordinance without deliberating on it and we will not amend the Employment Ordinance and the Competition Ordinance without deliberating on them. We will not let these important pieces of legislation come into force after three Readings in haste. The bill on the right to collective bargaining back at that time had exactly this problem. It was because the Legislative Council then did not have the chance to form a Bills Committee to consider and deliberate on the Bill and hear views from the public and make amendments. At that time, less than three months were spent and the law was passed in great haste.

At that time we had different opinions, but we could not make any amendments. We thought that nothing could be done at that time to deal with

the problems. For example, the bill at that time proposed that when the membership of a trade union was more than 15% of the staff of a company and when the trade union had been authorized by more than 50% of the total staff of that company, it could represent the workers in collective bargaining. However, in terms of practical operation, before the trade unions start their negotiations, they may have already become deeply divided and they might be competing with each other. Moreover, in Hong Kong where the majority of companies are SMEs, many companies have just 40 to 50 staff members and according to that law, six trade unions can be formed to fight for the right to collective bargaining. And there may also be problems regarding the right to represent the staff and the right to engage in negotiations. The procedures involved are numerous and at that time no solution could be identified to address all these problems.

President, labour rights involve many social classes and cover a very wide range of matters. We have to be very careful in attending to and following up certain matters. In the case of legislating for minimum wage, it has been more than 10 years since the time when the FTU first started to fight for it until the Government gave its consent in 2009 to legislate on it. A number of years have passed from the consent given to the time when the law finally came into force. There were extended consultations and discussions during the interim and deliberations were made in this Council for more than a year before the principal legislation was completed. Then it was put through the three Readings. The purpose of doing all this is to make the law perfect, protect the workers from being exploited by unscrupulous employers and ensure that the law is fair and practicable. I therefore hope that those who condemn us can see clearly the position we have held and the recommendations we have made. Then they should look at the problems involved in that bill at that time and how it was passed. After this they can make their criticisms if they want to. But they should know that the FTU is determined to support the right to collective bargaining and we will continue to work hard for it.

President, in my amendment I propose to formulate a system for the right to collective bargaining at the central, trade and enterprise levels. My main purpose is to ensure that both employees and employers can enjoy an equal bargaining status and that the right concerned can be exercised within an easily workable framework. Now the main channels of communication between employers and employees are those between the company and the staff. For example, the trade union concerned will fight for a pay rise for the staff of a

certain trade. Another kind is communication with the entire trade. For example, the rules of the construction trade and the salaries are set according to the trade concerned and the work types. So we consider that trades or individual companies should have a collective bargaining mechanism regulated by law. And on top of these two mechanisms, there should be a communication channel at the central level. Representatives from employers and employees should be sent there to discuss some major policies, laws and labour issues in general. We consider that only when the right to collective bargaining is realized at three levels that both employers and employees can stand on an equal footing and cope with labour disputes which are becoming increasingly complicated.

President, I hope very much that Honourable colleagues and the public can understand the views of the FTU and mine with respect to the right to collective bargaining and our stand in it. I hope they can support the amendment proposed by us so that wage earners in Hong Kong can enjoy a sound right to collective bargaining. Thank you.

MR CHRISTOPHER CHUNG (in Cantonese): President, the labour dispute at the Kwai Chung Container Terminals that lasted more than 40 days has given Hong Kong people a valuable lesson. I think it has only benefited the political organizations, and one of the contractors, which is a small and medium enterprise, eventually had to fold, thus leaving its workers on the brink of unemployment. From this labour dispute we can see that without a collective bargaining system which is recognized by both employees and employers, the radical trade unions will enhance their influence by threatening to go on a strike and arbitrarily adopt a domineering mode of collective bargaining at the expense of the SMEs and the disadvantaged workers. Despite that the labour dispute had lasted several weeks, the workers on strike could only win an extremely unsatisfactory pay rise. The contractors also suffered great financial losses and some container ships had even turned to the container terminal in Shenzhen to unload their goods, thus dealing a blow to Hong Kong's position as a container port. The result of this labour dispute is proof that hard-line confrontation between employees and employers will only lead to a lose-lose situation. It is time for discussions to be held in society on a collective bargaining mechanism which is acceptable to both employees and employers.

In fact, Mr LEE Cheuk-yan's attempt to force the passage of a collective bargaining system advocated by himself to the neglect of employer-employee negotiation and social consensus is not unprecedented. On 26 June 1997 when the colonial rule was about to end, the Hong Kong-British Legislative Council hastily passed the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance, a Private Member's Bill proposed by Mr LEE Cheuk-yan, without extensive consultation and before a consensus was reached in society or between employees and employers, thus arousing huge controversies in society. Therefore, the Provisional Legislative Council proposed to repeal this Ordinance after the reunification. Indeed, the DAB has all along supported the implementation of a collective bargaining system. But before any open consultation was conducted and a consensus reached by the Labour Advisory Board, coupled with the fact that the specific provisions still left much to be desired, allowing the formation of as many as six trade unions with statutory right to consultation in a company would no doubt aggravate the conflicts among trade unions, thus making it difficult for negotiations to proceed. It was difficult indeed for the DAB to support this bill which was formulated hastily.

From the angle of resolving labour disputes, the DAB has always considered that negotiations between employees and employers can forge better communication between them and improve labour relations. As employees and employers are in the same boat and share common interests, they should understand each other and accommodate each other. Therefore, if we just take care of the interest of one side to the neglect of the overall situation of employees and employers, how will it be possible to achieve the objective?

Indeed, a collective bargaining system can only make employees and employers sit down and talk to each other. It cannot guarantee any successful outcome. If employers do not trust this bargaining system from the outset, it would be impossible to achieve anything even if we tie up the employers and force them to negotiate with the trade unions. Therefore, the mutual trust between employees and employers is absolutely the prerequisite for the formulation of a collective bargaining system. The Government should act as a bridge and encourage employees and employers to work together through negotiations to explore ways to draw up a collective bargaining system.

President, the collective bargaining systems in countries all over the world do not have standard contents or a uniform pattern. In Western countries, their collective bargaining systems have their own characteristics because of their different historical developments and cultural backgrounds. We hold that the systems in the United Kingdom and the United States are worthy examples for Hong Kong to follow.

In the United Kingdom, for instance, the collective bargaining system has the characteristic of attaching importance to "moral restraint" and relying on mutual trust between employees and employers. They act on the basis of trust in each other, and the legal and government bodies in the United Kingdom will not interfere in the collective bargaining between employees and employers or in the terms and conditions of the collective employment contracts. Moreover, the collective agreement is not legally binding; nor can the Court be requested to enforce its execution. Compliance by employees and employers with the results of collective bargaining entirely hinges on their mutual trust.

The case of the United States is entirely different. A complete legal framework for collective bargaining is put in place in the United States. The basic issues for collective bargaining are clearly provided for in law, requiring both sides to act in accordance with the law. It is also stated in the law of the United States that collective employment contracts carry the same legal effect as national law. Employees and employers are required to execute the contract within a prescribed time, or else they will be subject to legal proceedings.

From these two examples of the United Kingdom and the United States, we can see that they are poles apart in the way the collective bargaining system is enforced. If Hong Kong follows the example of the United Kingdom and puts in place a system which is based on mutual trust, it will be necessary to identify ways to foster mutual trust between employees and employers, in order to ensure their compliance with the results of collective bargaining. If we should set up a system which is statute-based, similar to that in the United States, we must carefully study the relevant legal provisions and details, in order to pre-empt blind spots or loopholes in the law. Therefore, collective bargaining system is absolutely an issue that warrants in-depth studies. We must not copy wholesale the examples of foreign countries blindly.

Western countries have generally developed a collective bargaining system that suits their specific conditions and needs. Small and medium enterprises (SMEs) are the backbone of economic activities in Hong Kong as there are about 300 000 SMEs in Hong Kong, accounting for over 98% of all enterprises in Hong Kong and providing employment opportunities for 1.2 million people. As far as I understand it, the employers of many SMEs have great misgivings about putting in place a collective bargaining system. They are concerned that their company's flexibility and resilience will be affected, which will, in turn, affect their commercial viability. In fact, many bosses of SMEs are both employers and employees, and it is unfair to treat them in the same way as major enterprises are treated. In this connection, it is open to question as to whether collective bargaining should apply to all the enterprises across the board irrespective of their scale of operation. If the relevant provisions are imposed on enterprises of a very small scale, will the operation and commercial viability of the SMEs be affected? The Government should consider this carefully.

To conclude, the DAB supports the general direction of establishing a collective bargaining system suitable for Hong Kong's economic and social conditions but it is necessary to first conduct detailed studies and extensive consultations, in order to forge a consensus in society before gradually taking steps to set it up.

As regards the point made by Mr LEE Cheuk-yan in his original motion that "the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention", the DAB takes exception to this view. There are two reasons: First, the Convention does not rigidly require the countries or territories concerned to mandatorily implement a collective bargaining system through legislation; and second, while the Convention encourages and promotes collective bargaining for employers, employees and their organizations, it also emphasizes the need to adopt measures appropriate to national conditions.

Moreover, the DAB is open-minded about the contents or form of the collective bargaining system. We hope that various sectors of the community can take part in the discussions with an honest and accommodating attitude. Any predetermined position and framework will only pose obstacles to the participation of the community in the discussions, which is not conducive to

achieving the objective. For these reasons, we are concerned that the proposal made in the original motion of clearly setting out the details in the legislation may impose restrictions on the scope of discussion and hence make it difficult for some of the views to be expressed. Therefore, the DAB will abstain on Mr LEE Cheuk-yan's original motion and Mr TANG Ka-piu's amendment.

President, I so submit.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr LEE Cheuk-yan for proposing this motion today, as well as Mr TANG Ka-piu and Mr Christopher CHUNG for their amendments.

Recently, the question of collective bargaining has aroused some discussions in society. There are views that legislating on the right to collective bargaining can help enhance the protection for labour rights and resolve disputes between employers and employees. On the other hand, there are also views that given Hong Kong's socio-economic background and the business model of enterprises which are mainly small and medium enterprises, the setting up of a negotiation mechanism by employers and employees voluntarily for resolving labour disputes through negotiations is more suitable for Hong Kong and can better protect the overall interest of society.

Collective bargaining is a process of negotiations between employers and employees for reaching a collective agreement. International Labour Convention No. 98, that is, The Right to Organize and Collective Bargaining Convention (the Convention), is applicable to Hong Kong. The Convention aims to protect the right to organize and join trade unions and to promote collective bargaining. Article 4 of the Convention provides that (I quote) "Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements." (end of quote) While the Convention mainly aims to encourage and promote voluntary negotiation between employers and employees, there is no provision requiring the government to force employees or employers to participate in a collective bargaining system through legislation. This is a very important point.

In accordance with Article 4 of the Convention, the Government of the Hong Kong Special Administrative Region has consistently adopted measures appropriate to the conditions in Hong Kong to encourage and promote voluntary negotiations between employers and employees or their organizations.

According to the advocacy of the International Labour Organization, a prerequisite of meaningful collective bargaining is that it is conducted on the basis of the right to organize and join trade unions. The Basic Law and the Hong Kong Bill of Rights Ordinance have provided full protection to the people's right to organize and join trade unions. Apart from the freedom of association, Article 27 of the Basic Law and Article 18(1) of the Hong Kong Bill of Rights have expressly provided for the right to organize and join trade unions. Besides, the Trade Unions Ordinance has given more rights and protection to members or employees of trade unions. Members or employees of trade unions are immune from civil suits for certain acts done in contemplation or furtherance of a trade dispute, including inducing someone to break a contract of employment. It is also lawful for a person acting on behalf of a trade union, in contemplation or furtherance of a trade dispute, to conduct peaceful picketing at or near a place where workers work or people carry on business. The legislation that I have just mentioned has precisely provided a solid basis and protection for employees' organizations in collective bargaining.

I always believe that interaction between employers and employees is never a zero-sum game in which a player loses when the other player wins. In fact, employers and employees are interdependent and have a symbiotic relationship which is mutually beneficial. I always like to say this: "Workers count on the boss for food; the boss relies on the workers' toil". They are indeed interdependent. Therefore, any negotiation or bargaining between employers and employees' organizations should be conducted on a voluntary basis to enable both sides to engage in honest dialogues and to seek common ground while accommodating differences, and only in this way will negotiations or bargaining be successful and meaningful. This is also our direction in promoting collective bargaining.

President, I will further give a response after listening to the valuable views of Members. Thank you, President.

MR WONG KWOK-HING (in Cantonese): President, I speak in support of Mr TANG Ka-piu's amendment. My speech mainly consists of two points: Firstly, is it necessary to establish the right to collective bargaining? Secondly, what kind of approach should we strive for to give effect to the right to collective bargaining?

On the first point, in reply to a question asked by a Member in the Chief Executive Question and Answer Session in the Legislative Council last month, the Chief Executive said that even if the right to collective bargaining was established, would it benefit the grass-roots workers? This is open to question. Then he said that if an industry had good prospects and promising development, the boss would naturally increase the wages of workers and this would actually do more good to the wage earners.

I think the Chief Executive really does not understand labour relations and he really does not understand the situation of wage earners. The present situation of Hong Kong is "strong capital, weak labour". In the absence of legislation to provide for the right to collective bargaining of trade unions, workers often have a very weak bargaining power and can hardly share the fruits of economic growth, unlike what Secretary Matthew CHEUNG has just said.

President, I will draw a comparison between the Gross Domestic Product (GDP) and the actual average wages of workers in Hong Kong in the same period from 2005 to 2012, and Members will clearly see that there is definitely no trickle-down effect to the benefit of workers. For example, in the first quarter of 2006, the GDP rose by 8.4% but the actual wages of workers dropped 0.3%; back in 2008, the GDP rose by 9.7% but workers' wages dropped 1.5%; in 2010, the GDP was up by 8.7% but the actual wages of workers dropped 0.9%; and in the most recent year of 2012, the GDP rose by 4.6% but the actual wages of workers was up by only 1.9%, showing a rather big difference between the two figures. It is thus evident that it is necessary to establish a collective bargaining system, and this system must be statutory in order to provide a platform for workers and employers to hold negotiations and then resolve labour disputes through bargaining.

Without such mechanism and such statutory platform, wage earners are ultimately forced to take industrial actions, such as staging protests and going on strikes, in order to defend their labour rights. Therefore, I think it is necessary to

establish a statutory system for collective bargaining in order to continuously improve labour relations in Hong Kong in the long run.

As for the second point, that is, what kind of approach we should strive for to give effect to the right to collective bargaining, our view is that there should be a system at three levels, including the enterprise, industry and central levels. This is stated by Mr TANG Ka-piu in his amendment and has been a view held by the FTU for several decades.

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

Deputy President, I have with me a picture album of the 60 years' history of the FTU. Certainly, this year marks the 65th anniversary of the FTU. Since its establishment in 1948, the FTU has led workers in various trades and industries to fight for and defend their labour rights through many struggles, strikes and talks. This album has kept a full record of all such information which forms part of the collective memory of workers in Hong Kong. These collective memories are precisely telling us that only when there is a system for the right to collective bargaining at the central, trade and enterprise levels that we can ensure the rights and interests of workers.

Collective bargaining at the enterprise level actually has a long history but regrettably, starting from the 1970s in the last century, many employers have adopted the approach of appointing representatives for consultation from among staff in the factory department or the enterprise, in an attempt to replace negotiations with trade unions. This has led to many unnecessary disputes. Therefore, we very much hope that legislation will be enacted early on the right to collective bargaining at the enterprise level, so that the trade unions and employers of enterprises can have a platform for negotiations.

As for the trade level, the Hong Kong Construction Industry Employees General Union has set up a collective bargaining system for various trades including painters, scaffold erectors and bar fixers, which enables employers and employees to settle labour disputes properly.

Lastly, collective bargaining at the central level. As we can see, the Labour Advisory Board has expressed strong views and taken on a gate-keeping role on the importation of foreign workers. This has deterred employers from importing foreign workers arbitrarily, which will otherwise undermine the competitiveness of local workers. This has clearly pointed to the need to set up a collective bargaining system at the central level.

This three-level system that I have just explained is, I think, suitable for Hong Kong. I, therefore, very much hope that Members will support Mr TANG Ka-piu's amendment and strive to urge the Government to enact legislation early for the establishment of this three-level collective bargaining system.

MR KWOK WAI-KEUNG (in Cantonese): Deputy President, I think we all will agree that employers and employees have a co-operative and complementary relationship. Employers pay their workers, while workers make earnings by toil. This is certainly a kind of interdependent relationship. If the boss has money but cannot hire workers, his business will not prosper; on the contrary, there must be a paying boss before employees can land a good job.

However, in the event of disputes, there are certain difficulties in reaching a fair agreement. This is like the case of husband and wife having quarrels. But in what way should their disputes be resolved? It is most important to talk to each other, or else the disputes can never be resolved. But when it comes to the right to collective bargaining under discussion now, for reasons unknown many employers are horrified on hearing it. What exactly is the right to collective bargaining? Is it a system that scares employers away once they hear of it or a proposal that can actually create a harmonious society and achieve a win-win situation?

The right to collective bargaining is a positive way to provide employers and employees with an opportunity or a platform to negotiate and reach agreements which they both consider as reasonable by an institutionalized means to resolve conflicts. This can absolutely pre-empt situations that can adversely affect the image of the enterprise or industrial actions, and this can, in a way, improve the image of the enterprise.

Let us look at some simple examples in foreign countries. Take the United States as an example. The labour movement in the United States emerged in late 19th century. It was only after several decades of struggles and under ROOSEVELT's Government in the 1930s of the 20th century that the right to collective bargaining was established extensively through legislation. Since then, over 98% of the labour disputes were settled at the negotiation table with quite substantial improvements made to the labour relations and the frequency of strikes and radical demonstrations being reduced significantly.

Let us look at the situation in Hong Kong. Despite the absence of statutory protection for the right to collective bargaining in Hong Kong, actually some agreed systems of collective bargaining have been put in place locally, only that they are implemented in a few industries. It is most gratifying that their effectiveness is evident. For example, the printing industry which played a pioneer role in the 1940s and the huge construction industry have set examples in respect of collective bargaining or collective agreements.

Take the construction industry as an example. In order to develop 100 000 housing units, the Development Bureau, the Hong Kong Construction Association and the Hong Kong Construction Industry Employees General Union signed a Charter in February this year, undertaking to enhance training to attract new entrants to the industry. For example, funding is increased for the Enhanced Construction Manpower Training Scheme under which the period for trainees to receive an allowance will be extended from six months to one year and trainees will receive a monthly allowance of \$6,000 in the six months of the extended period, and also subsidies will be granted to contractors to employ trainees on a "first-hire-then-train" basis. From this we can see that the trade union has positively reflected the messages of the industry to the authorities, and this also shows that employer-employee negotiations will indeed bring great advantages to the development of the industries, especially in the training of talents. Employers do not have to see the right to collective bargaining as a great scourge.

Another example is the bar fixer industry. The trade union reached a consensus with the Hong Kong Bar-bending Contractors Association in 2011, agreeing on a pay rise of around 10% for workers in each of the following three years, so that by 2014, the daily wages of workers will increase from some \$1,400 at present to about \$1,700 three years later, representing an increase of over 10%. In the agreement reached by employers and employees at a meeting

this year, apart from wages, workers will be paid 1.5 times of the standard wages as compensation for the transport expenses incurred when they are required to work during typhoon and rainstorm conditions and on public holidays or statutory holidays. Besides, starting from 2014, workers can enjoy an extra rest break in the morning when working in hot weather between June and September, in order to prevent workers from suffering from heatstroke in hot weather conditions. Through negotiations between employers and employees, the concerns of employees can be addressed while employers can project the costs and expenditure in future. So, this system provides protection to both employers and employees.

The FTU has all along promoted a three-level system for conducting collective bargaining at the central, trade and enterprise levels.

I have just given an account of the situation concerning the trades but in fact, apart from the levels of individual enterprises or trades, a collective bargaining system should also be established at the central level. It is difficult for the *laissez faire* economy of Hong Kong to stop unscrupulous businessmen from joining force to suppress workers' wages. The lack of collective bargaining power of local workers is exactly one of causes of the deteriorating wealth gap in Hong Kong. For this reason, we should conduct collective bargaining at the macroscopic central level, so that collective bargaining can make up for the inadequacy of the Employment Ordinance.

All in all, if the Government does not act promptly and as our legislation consistently lags behind the international trend, it would be inevitable for the public to make accusations of collusion between business and the Government or capital monopolization. If things go on like this, social harmony would be damaged and the long-term economic development adversely affected. Employers and employees who are in the same boat must help each other to ride out the hard times and make concerted efforts to build a better future for Hong Kong. Thank you, Deputy President.

MR POON SIU-PING (in Cantonese): Deputy President, the labour dispute at the container terminals which lasted for over a month ended in May. This labour dispute had dragged on continuously and long remained unresolved for

many reasons. But it was because no collective bargaining system is established in Hong Kong that employers and employees were unable to start negotiations immediately when the labour dispute broke out, causing the labour dispute to drag on continuously and as a result, employers, employees and the overall economy of Hong Kong all have to pay a price. Much to our regret, the Government has not learnt a lesson as it has not conducted a complete overhaul and established a collective bargaining system in Hong Kong. Worse still, in reply to a written question asked by a colleague of this Council on 8 May, the Government categorically refused to launch any legislative exercise for collective bargaining.

The Government claimed that the enactment of legislation to mandatorily require employers to negotiate with trade unions may give rise to greater confrontations in labour relations and cause flexibility to be compromised, which would produce the opposite effects as a result. It is ridiculous to refuse the enactment of legislation on collective bargaining for this reason. I recall that when the labour dispute at the container terminals was in a stalemate, the Chief Executive said openly that the Government was racing against time in its work and that the Government was hoping to play a neutral role and striving to forge communication with all parties. The Labour and Welfare Bureau also claimed that in this labour dispute, the whole team of staff from the Labour and Welfare Bureau and the Labour Department (LD) had continuously and actively conducted mediation to facilitate communication and dialogues between the various parties involved in the labour dispute. These are most fine-sounding words. But had the Government been willing to enact legislation on collective bargaining, both the employers' and employees' representatives would have to engage in dialogues with each other during the labour dispute in order to come up with a solution to the labour dispute, in which case it would have obviated the need for the Chief Executive to race against time, nor would it be necessary for the LD to actively conduct mediation in order to bring together all parties to hold dialogues. The Government has evaded the positive effects of a collective bargaining mechanism and worse still, it has confused right and wrong in describing an effective mechanism for resolving labour disputes as something that aggravates labour relations.

I support the motion on the right to collective bargaining proposed by Mr LEE Cheuk-yan today not because I am a unionist, but the establishment of a collective bargaining system is a goal that I have been striving to achieve. In

recent years, there have been significant changes in the social ecology in Hong Kong, and we have seen a trend of confrontations that primarily arise from different conflicts merging. How this trend will affect the labour movement is a question that trade unions, people who care about the labour movement and the Government must face. I think this phenomenon has highlighted the necessity and urgency of putting in place the right to collective bargaining, so as to establish the leadership role of trade unions in the labour movement and distinguish between labour movement and social movement.

Apart from the establishment of a collective bargaining mechanism in enterprises, a collective bargaining mechanism in the trades can also help resolve labour disputes. Despite the absence of a collective bargaining mechanism in Hong Kong, some industries or enterprises have determined the wage levels of certain job types through negotiations between staff unions and trade associations. At present, it is not common to see trade unions bargaining with trade associations and the wage levels hence determined carry no legal effect, but this is still putting certain pressure on employers in the trades and helps protect workers' wages in some measure. In this connection, as we strive to establish a collective bargaining mechanism in enterprises, it is also necessary to promote collective bargaining at the trade level. We can further study how many levels a collective bargaining system should be set up, but as I agree with the principle of collective bargaining, I will support the amendment proposed by Mr TANG Ka-piu of the FTU. As for the amendment proposed by Mr Christopher CHUNG of the DAB, as it does not clearly state the position of establishing a collective bargaining system and this may enable the Government to further procrastinate on the establishment of a collective bargaining mechanism on the pretext of forging a consensus, I can only oppose this amendment.

Deputy President, Hong Kong does not have legislation on collective bargaining but the Employment Ordinance has anti-discrimination provisions for trade unions. An employer who dismissed an employee on the ground of his participation in trade union activities is in breach of the anti-discrimination provisions for trade unions and liable to imprisonment or a fine. However, there is a plethora of reasons for employers to dismiss their employees and they will not be so stupid as to be caught by the law. So, the anti-discrimination provisions for trade unions are like a vase in the protection of labour rights for they are pleasant to the eye but serve little purpose. Worse still, the scope of

protection is too narrow under these anti-discrimination provisions and as a result, these provisions which can originally play a role in incidents of labour disputes have turned out to be tying their own hands.

There are direct and indirect ways of discrimination. It can be discrimination against individuals, or it can be discrimination against organizations. In past incidents of labour disputes, examples of employers discriminating against trade unions abounded. For instance, they refused to recognize the status of trade unions in labour disputes or even organized another staff union in an attempt to cause divisions to union power. All these are obvious instances of discrimination against trade unions, but the existing anti-discrimination provisions for trade unions do not provide any remedy. I propose that the Government should, in tandem with the enactment of legislation on the right to collective bargaining, comprehensively review these provisions to enhance the protection for trade unions.

Deputy President, I so submit.

DR KENNETH CHAN (in Cantonese): Deputy President, some people may query why a person teaching in a university will rise to speak on the right to collective bargaining. In fact, I had organized trade unions in the past, and I am one of the promoters of the Hong Kong Baptist University Faculty and Staff Union.

Back then, we were under the pressure of the Government's request to de-link universities from the government establishment and for universities to become self-reliant — some said that universities were left to fend for themselves — so that universities might decide their own establishment, pay scales and manpower deployment. We noticed the prevailing trend that many higher education institutions overseas had become increasingly disorganized after their forced delinking from the governments. Many posts in the establishment, which used to be substantive posts with a relatively clear career development ladder and path, are now changed to temporary posts on contract terms. Secretary, some of the contract tenure of these posts is less than one year, just 10 months. The feeling is so bad during the 10-month period. They may worry day in and day out whether they will still be employed after 10 months or several months. Despite the pressure on and the challenge to staff, as well as the various kinds of

reasonable requests or more unreasonable requests, many colleagues working in the universities can only tolerate these silently.

I come from the grassroots. I have seen my parents, family members and other wage earners experiencing injustice in the lack of a channel to air their complaints. They tried to seek assistance from trade unions or friends having influence to support them, but their employers simply ignored the trade unions and requested negotiation with them one to one in person. Employers have been adopting these tactics of dividing to rule and defeating one by one, and all kinds of approaches. It is no surprise. In view of this situation, many people, including myself, consider that apart from the recognition and protection conferred on trade unions under the existing legislation, the right to collective bargaining should also be ensured. Otherwise, wage earners in general will be facing tremendous pressure and challenges in their daily work.

Some colleagues feel concerned about the relationship between labour movement and social movement. I think it is unwarranted. In places around the world, trade union movements and social movements, and even democratic movements are intricately linked.

We have seen the labour movement of bar fixers and that of dock workers. Colleagues in my university, including myself, had actively participated in the two movements. We took immediate action to sign joint petitions and raise funds and analysed and explained these phenomenon to students inside and outside the classrooms. Hong Kong is a capitalistic society with serious exploitation and severe disparity between the rich and the poor. When wage earners seek help, it is natural that support will pour in from all quarters to help the distressed. Therefore, it is no surprise that in both the strike of bar fixers and that of dock workers, certain people, organizations or groups, which are seemingly irrelevant or not involved, have sprung up to render support. It is not the practice of "stealing the limelight" we often refer to. The support is a reflection of the sentiment shared among various strata of Hong Kong society, that we may one day come to the same pass no matter what situation we are now in.

Today, we see bar fixers and dock workers going on strikes, university staff may be the next to go on strike. In fact, in the absence of protection for the right

to collective bargaining, workers or employees are not afforded proper protection. Since trade unions with representativeness may establish a sound communication platform and regular consultation channels with employers on behalf of workers, and handle many conflicts and disagreements systematically, conflicts and confrontations which occur once in a while or all of a sudden may increase in the absence of trade unions with representativeness, and these conflicts and confrontations will become more deep-seated and more thorny.

More often than not, the management of universities harbours the delusion that delinking from the establishment of the Government would mean liberty to create a lot of new systems and make frequent changes at short notice. They request colleagues in universities, be they faculty or front-line junior staff, to be ready for changes at any time. Staff members are required to have flexibility and maneuverability, who should dance lively to the tunes of the management. In the management of universities, this is a very bad development. The management simply adopts a "fear-not" attitude, for they think they would at worst be subject to the pressure from public opinions, or they do not take public opinions as a source of pressure. Against this background, the management simply ignores the discussions of trade unions of faculty and staff or various organizations representing them, and stick to their practice in handling various issues. There is no communications at all. Had there been communication, it would be top-down instructions calling staff to express their views and indicating the intention of listening to those views. However, this action of so-called listening to views is insincere, for they have never thought of changing any of their decisions. Only when they are brought under tremendous pressure, or the threat of lawsuits, facing the judge, being sued or taken to court, will universities make strategic or technical compromise out of the concern of cost-effectiveness.

In the absence of the right to collective bargaining, we see the endless cycle of these scenarios. Even in the working environment of universities, which is expected to be filled with "politeness", we can see the deterioration of labour relations every day. The so-called "polite" people in universities — Deputy President, there are quite a number of polite black sheep in universities — think they are experts in human resources and know full well the global trend, so they often use these viewpoints to suppress faculty, front-line staff and junior staff.

Without the right to collective bargaining, exploitation in Hong Kong will never end. Without the right to collective bargaining, labour relations in Hong Kong will be in severe imbalance. Against the loud cries for harmony and stability, it will be mere empty talk, failing to address the problem at all.

We hope that genuine capitalism is implemented here in Hong Kong. If Hong Kong is a genuine capitalistic society, our trade unions should be given the right to collective bargaining, for only this will solve and alleviate the imbalanced labour relations.

Deputy President, I so submit.

MR YIU SI-WING (in Cantonese): Deputy President, in the face of inflation and provided that enterprises can maintain making regular revenues, I believe most employers will be willing to meet the reasonable requests for pay rise and better benefits made by employees, so as to share the fruits of the company with them. This is one of the major factors enabling Hong Kong to maintain its competitiveness in the market.

The right to collective bargaining is a complicated issue. Under the International Labour Organization (ILO), there are mainly two conventions dealing with collective bargaining, namely the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Collective Bargaining Convention, 1981 (No. 154). After all these years and to date, member states are only encouraged but not mandatorily required to implement the requirements in the two conventions. The specific version to be implemented depends on the laws of the member states concerned, and other mechanisms achieving settlement and arbitration will not be ruled out.

Systems on collective bargaining have been implemented in certain developed countries. However, the types of system, the level and course of bargaining and the requirements on the right to representation vary in different countries. Due to the significant differences between these countries and Hong Kong in terms of economic condition, foundation of trade unions, types of trades and labour structure, those systems cannot be introduced into Hong Kong direct.

In Hong Kong, employers and employees are all along encouraged and urged to deal with problems relating to labour relations through negotiations.

Deputy President, some consider it acceptable to formulate a system for the right to collective bargaining at the central, trade and enterprise levels. It is an extremely idealistic proposal. In reality, none of the countries implementing a system for collective bargaining can achieve complete coverage in these three levels. In Japan, trade unions of enterprises are the mainstay, and thus the principle of "one enterprise, one union" is implemented, where collective bargaining is carried out mainly at the enterprise level. In Germany, collective bargaining is carried out mainly between industrial trade unions and employers' associations. Under the three-tier system of collective bargaining, which cases require mediation at the central level, which cases can only be solved within an enterprise and which cases can only be handled by industrial representatives in order to protect the interest of both employers and the employees? It involves a lot of disputes merely in the division of work and decision on the degree of participation at various levels of which the conflicts are to be dealt with.

As for the right to representation in bargaining, if there are two trade unions or more in an enterprise or an industry, which trade union should be appointed as the representative in the bargaining? In the United States and the United Kingdom, the right of exclusive representation is adopted, where the trade union with the right to represent the majority of employees will have the right to appoint a representative to carry out collective bargaining. Come to imagine that, when various trade unions are holding different views, individual trade unions may by all means entice employees to join them so as to get the right to representation, trade unions may even put forth demands which the employers can in no way accede. Negotiations between employers and employees may be caught in a deadlock and trade unions may split up. In such circumstance, how can trade unions objectively represent employees in the bargaining? Employees can hardly decide which trade union is sincerely acting for their good, for the bargaining may be reduced to a tool for politics.

Deputy President, in collective bargaining, employees of large and medium enterprises and public organizations are the major targets. According to the Department of Labour and the Court of the United States, given the passive status of employees in the access to information on financial status, and so on, trade unions have the right to request employers to provide all information, except

confidential information, to ensure that both sides are on an equal footing in the course of bargaining. If employers fail to provide information on the actual situation promptly, it will be taken as a refusal to bargain and employers have to bear the legal liability. The legislation puts employers in a dilemma. On the one hand, they will contravene the law if they do not provide the information. On the other hand, business secrets of the company may be leaked if they provide the information accordingly, and in the event of incurring losses, who should be held responsible?

From the economic perspective, if the implementation of the system for collective bargaining is not handled properly, it will reduce the flexibility of enterprises and industries, increase their cost and undermine the investment desire of foreign investors, thereby adversely affecting the business environment in Hong Kong. Particularly in view of the uncertainties of the global economy, we should learn a lesson from the experience of Europe, where the labour movements over the years have caused society to pay an expensive price and affected its competitiveness. I have reservations about enacting legislation on the right to collective bargaining.

Recently, we have been involved in constant disputes over standard working hours. If the implementation of the right to collective bargaining is also put on the table, the situation will become even more complicated. The Government needs to examine the issue seriously, handle it cautiously and conduct comprehensive and careful assessments.

Deputy President, I so submit.

MR ALBERT HO (in Cantonese): Deputy President, though I am not engaged in trade union affairs, having heard the remarks made by Mr Christopher CHUNG earlier on behalf of the DAB, I consider them offensive and I am angry. His criticisms against the dock-workers movement are arrogant, whereas the position he expressed in his discussion on the right to collective bargaining is hypocritical. Let me explain this.

In fact, Hong Kong people had shown great concern to the dock-workers strike from the beginning to the end, and reports about the strike in each of those

days had aroused extensive concern in society. Many average men with a reasoning mind, irrespective of their classes, had shown sympathy to the workers when they learnt about the poor working environment and conditions of the workers, the need to work long hours without any toilet break and pay freeze over the years. They considered such treatment unfair. On the other hand, the employers, including the owners of the container terminals and contractors, acted arrogantly, using their dominant position to repress the disadvantaged. The majority of Hong Kong people disdained their behaviour. This was proved in reality. During the strike lasting weeks, Hong Kong people kept making donations to show their compassion and support to the workers and to condemn the employers. Hong Kong people had donated up to \$8 million for the workers, which was the highest in history, so that workers might receive compensation to sustain their living while they received no wages during the strike.

The DAB did not support the workers. I do not mind they acted apathetically to the fire, but they should not defame supporters and accuse them of trying to gain advantage from the strike. What advantages have supporters gained? Supporters had just been encouraging the workers and giving them support, hoping the workers could stand firm against their tyrannical employers, thereby gaining reasonable improvement in their working environment and salary terms which they deserve. What was wrong with that? Worst of all, he said that the workers had been made the victims in the incident for the outcome was unsatisfactory. In what position can he make such a comment? Only workers taking part in the strike are in the position to say whether they are victims. He just has no right to insult them with such a comment.

After the long battle of blood, sweat and tears, workers eventually obtained a pay rise close to a double-digit in percentage. The achievement did not come by easily. In view of the difficult circumstances, the workers decided to accept the offer after going through the internal democratic procedure. Should workers rely on you who stayed behind their backs and told them to accept the graceful offer of 2% increase from the employers? Would you regard them doing the right thing only if they accept the offer? Do you consider this harmony? Do you think they should only be praised if they do so? Hence, if the comments made by Mr Christopher CHUNG represent the stance of the DAB, you should all feel ashamed. What you said about the right to collective bargaining was hypocritical indeed. How would you sincerely support the right to collective bargaining? How long has it been since the law was repealed? It was repealed

in 1997 and a decade or so has passed, but the legislation has not been put forth again since then. What wordings have you used today? The terms "detailed studies", "extensive consultation" and "to legislate step by step" are used. Why do you not simply call for a delay of 30 years? If the DAB has a part to play in the ruling coalition, how will they be sincere in enacting legislation on the right to collective bargaining? Mr TAM Yiu-chung may talk about this later on. Given the comments made, how can you be regarded as sincere?

As for the comments of the FTU, I think the FTU has shown relatively more sincerity in supporting the right to collective bargaining. But still, I have to rebuke them for supporting the repeal of the law on the right to collective bargaining back then. They are in debt to Hong Kong people. Why? First, they knew full well that the passage of the law was possible only because the democratic camp and Members devoted to trade unions like them were in the majority in the legislature at that time. They knew clearly that Members would lose the power to propose private Members' bills when the Basic Law came into effect. In such case, who would have the power to propose the bill again after its repeal by them?

Second, it is true that the law passed at the time had not been scrutinized and this I must admit. However, we should retain the law and proposed amendments to improve it until it was considered satisfactory prior to its commencement. Had they done so, they would have done justice to the workers and Hong Kong people. Yet they had just been paying lip service despite the claimed support. They should know that upon the repeal of the law, they would have no power to propose another bill even if they desired to do so, for Members no longer have the right to propose such bills. By the way, you have been advocating the tripartite negotiation approach for many years, yet have you put forth any bill on the arrangement? Have you ever tried to propose such a bill and seek the consent of the Chief Executive in proposing such a motion? You have never done so. Hence, today, I still maintain that you are in debt to Hong Kong people. After the repeal of the law, Hong Kong people do not have any legal provision on the right to collective bargaining. So Secretary Matthew CHEUNG will continue delaying it, and he may talk about this for another 10 years, 20 years and then say that (*The buzzer sounded*) voluntary negotiations will be the most desirable

DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

MR ALBERT HO (in Cantonese): these are the responsibilities they should shoulder.

MR FREDERICK FUNG (in Cantonese): Deputy President, it was initially a movement of dock workers, but the incident has set off profound ripples and aroused public opinions of tremendous impact and grave concern. In the incident, the sweat, blood and tears of wage earners are brought to light, disclosing the poor working conditions at container terminals.

The self-control and perseverance of workers was exhibited throughout the movement. They were fearless. They did not yield to their employers for the sake of job security. Selfishness had no chance to sneak in during the strike. On the contrary, the collective interest of workers was raised in the strike. Unity is power. This power of many a little makes a mickle boosted the morale. Together with the unanimous support from the public, both in terms of money and efforts, workers managed to persevere and keep the passion for the movement burning for 40 days, making the strike the longest in Hong Kong after World War II. Eventually, the strike brought a pay rise of 9.8%.

Deputy President, in the movement, the childlike heart of workers and the arrogant and egotistic attitude of the employers were in stark contrast. Since the Government has all along adopted a condoning attitude towards consortia, they have become supercilious and too fat to pull up their socks. They are simply indifferent towards the problem faced by workers. They are only concerned about how to shirk their responsibilities through contractors and lower their operating costs through the contracting-out system. Most of the jobs relating to crane operation at container terminals have been contracted out and even sub-contracted to maximize their profits and minimize the interest of workers.

The Managing Director of HIT, Mr Gerry YIM, stressed at the initial stage of the strike that workers going on strike were not staff of HIT but employees of contractors, so HIT had no responsibility to handle it. His indifferent attitude brought boiling rage. Worst of all, he queried why workers would have stayed

in the job for such a long time had they been discontented all along. He claimed that workers could have quit and changed jobs if they were discontented. He said that "one taking the salted fish should expect the thirst to follow".

Deputy President and Secretary, I believe you both will agree that such remarks are outdated, for they are the mindset of employers of two to three decades ago. Regrettably, these remarks were made by the senior manager of a large company like HIT. According to my understanding, he is saying that with the consent of both sides, employers may do whatever they like, and even exploit workers blatantly with their superiority, as the common saying goes, "he who pays the piper called the tune". Such an attitude has completely ignored the obligation for employers to provide a safe and reasonable working environment for employees and to enable workers to have reasonable reward and dignity. If a large company adopts such practice, will small companies adopt a harsher approach in handling similar cases involving the relationship between employers and employees?

Deputy President, the promotion of corporate social responsibilities has been going on for many years, yet it remains empty talk after all. If enterprises stick to the mindset that making monetary donation will provide the solution to the problem, yet forgetting that enterprises are obliged to protect the basic rights and interests and working environment of workers, I believe that after the strike, container terminal companies, as well as the senior management of the consortia behind the scene, will continue to badmouth workers and trade unions by various means, including placing advertisements. Employers have been blaming others for politicizing the incident, but actually they are the one who politicized the incident. They do so to play down the validity of the reasonable requests on pay rise and improvement of treatment and facilities.

Deputy President, back to the point, what about the Government? What has the Secretary done? What roles did the Government and the Secretary play in the strike? Why did we not see you coming forward? The Government always says that it has to maintain its neutrality. However, if we have to rely on the Government to protect the rights and interests of workers, is the Government's practice of the so-called "maintaining neutrality" practicable? If the Government turns a blind eye to the problem, can we address the problem by merely relying on the collective power of wage earners? If the authorities stick

to the mindset of treasuring only large consortia and the business sector to the neglect of workers, the situation will persist. Secretary, you have reiterated the importance of corporate social responsibilities a number of times, yet have enterprises fulfilled their responsibilities? Is it successful? Has the purpose been achieved?

During the Chief Executive Election, LEUNG Chun-ying claimed loud and clear concern about the plight of the grassroots and the disadvantaged. However, when it comes to action, nothing has been done. This is hypocrisy and deceit. He puts forth one approach in his manifesto, yet he adopts quite another in policy implementation. Deputy President, LEUNG Chun-ying has refused to raise the minimum wage level to \$33. As for standard working hours, he takes it forward at a snail's pace. It was said in the past that studies on the subject had to be conducted, and now, he still says that studies have to be conducted and he has set up a committee to delay the progress further. Back then, LEUNG Chun-ying expressed his intense anxiety about the people and the country and his care about the grassroots, but all these turn out to be empty talk. When LEUNG Chun-ying took the office of Chief Executive and assumed power, he left all his promises behind. Upon his assumption of office, he simply follows the established practices in all policies relating to welfare, labour, housing and people's livelihood. The public and wage earners can only pray for blessings on their own.

Deputy President, after all, the right to collective bargaining is important, for it empowers and enables workers to consolidate individual efforts which are otherwise fragmentary. In fact, as individual, the interests of workers are scattered and fragmented. They simply do not have adequate ability and resources, or the means, to fight with consortia with strong financial background. The existing legislation is focused on the protection of the basic rights of employees as individuals. However, in the prescription of the basic treatment for employees as a whole, a clear agreement must be reached between employers and employees to achieve better results. The relationship between employers and employees can only be improved when the arrangement is recognized by both sides. At present, the power of employers and employees is in great disparity. Since every concern is focused on maximizing profits, employees will often suffer.

The strike of dock workers this time around highlighted the importance of solidarity among workers. Under the established system, container terminal

companies may lower their costs through the contracting-out system. Despite the exploitation at various levels, it is regarded as legitimate once accepted by employees. Employers may reduce the wages of employees and their treatment to the minimal, but employees have no way to handle this and bargain with employers. Container terminal companies have turned a blind eye to the constant requests of workers for improvement in wages and treatment, and they just delay taking actions as far as possible.

Deputy President, I wish to say that the right to collective bargaining is not a scourge. On the contrary, it will provide a channel for smooth negotiations to employers, so that employers and employees may promptly discuss and solve the problem before the situation deteriorates. Employers and employees may thereby continue to work together for the good of their work and business. Thank you, Deputy President.

MR CHEUNG KWOK-CHE (in Cantonese): Deputy President, the strike staged by the dock workers has exposed the inhuman life that dock workers are leading. In Hong Kong in the 21st century, I have the feeling of travelling back in time, impressed that they are experiencing the plight of the workers during the era of the industrial revolution in the 18th century. It looks as though the exploitative nature of capitalists were in the gene. If it is not subjected to external control, this bad nature would not change despite the passage of 200 or 300 years; workers would still be in harm's way and it would remain a malignant tumour in society. On hearing dock workers give their accounts of their inhuman life, I was reminded of the film *Modern Times* by Charlie CHAPLAIN. The film is set in the 1920s and portrays how inhuman and inhumane the job of Charlie the worker was. Coupled with the meagre wages and the ultra-heavy workload, Charlie was driven to insanity and in the end, he was put in a mental institution. Certainly, this story reflects the miserable plight of workers working in assembly lines at a time when machines were replacing manpower and industrial outputs were increasing. Today, in the 21st century, we think that the situation portrayed in the film could only be found in the factories of Foxconn, which totally disregards human rights, on the Mainland. While we are still concerned about the situation of the 400 000 workers at Foxconn, little have we expected that similar exploitation is being carried out in Hong Kong just around us, so there is little wonder that it has become a piece of news drawing global

attention. It can also be seen that the concerns of labour unions about the situation of workers in Hong Kong are not excessive and that the difference in power between employees and employers in Hong Kong is still very great. Workers are totally at a disadvantage and have very little bargaining power.

In the Chief Executive's Question and Answer Session of the Legislative Council early last month, LEUNG Chun-ying cast doubts on the effectiveness of the right to collective bargaining, saying that so long as various trades are doing brisk business, employers would then give pay rises. This reminded me of the fact that someone once actively advocated corporate social responsibility, believing that it was a win-win approach and that there was no need to enact legislation. However, some experts and academics have long since conducted many studies, pointing out clearly that the so-called code of conduct on corporate social responsibility was entirely an undertaking made by capitalists of their own accord. Without any legal basis, and given the nature of corporations and consortia, that is, they are all driven by interests and would only do some window-dressing, they would not enforce the code of conduct seriously. Take the Apple Incorporation, which produces iPhones, as an example, it just turns a blind eye to the wrongdoings of its suppliers. In fact, enacting legislation to prescribe a minimum wage and standard working hours is far more effective than drawing up the so-called code of conduct on corporate social responsibility. This is a fact that is beyond dispute.

Deputy President, we all know that a minimum wage regime only ensures the level of minimum wage for workers but given the imbalance of power between employees and employers, it is not the best strategy for dealing with the disadvantaged position of workers. This is because the pay is only a small part of work life but the infringement of workers' interests is multifaceted. Moreover, given the habitual government tilt to consortia, often, workers have no recourse for their complaints. Given the present situation in Hong Kong, apart from such high-cost ways of expressing discontent as strikes and rallies, there are no other more preferable ways for workers to bring about changes to their situation. To enable workers to really free themselves from their disadvantaged position, a more fundamental course of action is to elevate workers' bargaining position, so that workers can have as much say as employers. I firmly believe

that only workers themselves have the clearest ideas about their own needs, so workers in Hong Kong should have the right to collective bargaining.

Deputy President, before the reunification in 1997, the then Legislative Council passed the Member's bill entitled Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance introduced by Mr LEE Cheuk-yan but unfortunately, after the reunification, the Provisional Legislative Council repealed it immediately. I believe that now, those political parties and Members who repealed this piece of legislation are still involved in the discussions of public issues in the legislature. Mr LEE Cheuk-yan, in moving this motion without any binding effect today, only wishes to highlight and reiterate the importance of employee's rights to representation, consultation and collective bargaining. Unfortunately, the DAB and the FTU seek to delete the reference to "the International Labour Organization ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention" found in the motion. In fact, this passage only describes the fact and even if it was deleted, the fact would still not be changed.

Mr Christopher CHUNG seeks to amend the focus of the motion to read, "..... to conduct detailed studies and extensive consultation on the issue of the right to collective bargaining and, after obtaining a consensus in society, establish step by step a collective bargaining system suitable for Hong Kong's social environment.". Just now, Mr Albert HO has commented on this and here, I have to tell Mr Christopher CHUNG that many past surveys and studies point out that a consensus already exists in society. Enacting legislation on the right to collective bargaining would enable employees and employers to put their conflicts on the negotiation table and avoid such further attrition as strikes due to the absence of negotiations.

Deputy President, I hope that Members concerned about workers and the livelihood of the grassroots can unite together to lobby for employees' rights to representation, consultation and collective bargaining.

Deputy President, I so submit.

MR GARY FAN (in Cantonese): Deputy President, workers are the cornerstones in promoting the development of society. Defending workers' rights is actually a very important aspect in defending sound socio-economic development. I really find it incomprehensible why a Government would repeal a law protecting the rights of workers by citing various grounds. Deputy President, I speak in favour of Mr LEE Cheuk-yan's proposal to enact legislation to provide for the right to collective bargaining and I am going to speak in this regard.

In the high summer of 2007, a strike involving bar fixers lasting 36 days broke out and at that time, bar fixers went on strike for a prolonged period of time and their strike won widespread support in society, not just because the interests of several thousand bar fixers were at stake but also for the sake of the more balanced development of Hong Kong society. After the financial turmoil, bar fixers were forced to take pay cuts but following the economic recovery, their working conditions did not see any improvement. As a result, the conflicts between the employees and employers escalated.

In January 2013, the driving instructors of the Hong Kong School of Motoring (HKSM) went on a hunger strike to protest against the unreasonable dismissals made by their employer. The incident happened because the HKSM had repeatedly given the sack to senior instructors receiving higher pay and hired new instructors at lower salaries instead, so as to lower the cost. The driving instructors of the HKSM also pointed out that the latter had dismissed them in order to thwart the establishment of a labour union. Therefore, they went on a hunger strike to demand that the dismissed driving instructors be reinstated unconditionally, and they also wanted the suppression of the labour union and the reduction of fringe benefits for employees to stop. They also hoped that the Government could improve the existing regime for issuing driving instructor licences.

Deputy President, just now, many Legislative Council Members also said that last month, we witnessed a strike at the Kwai Chung Container Terminals lasting as many as 40 days. This is because the working conditions of workers are even worse than those before the transfer of sovereignty. Workers had been tormented by inflation for a long period of time, so they had no alternative but to stage a strike. Even as their quality of life is constantly declining, they also have to cope with inhumane working conditions. It was because the employers did

not give any positive response to the demands of workers for improvement to their working conditions that the strike lasting 40 days occurred.

Deputy President, had there been the right to collective bargaining in Hong Kong, the outcomes of the three incidents cited by me just now would have been very different. The several examples of strikes in recent years precisely serve as a reminder of the need to address squarely this deep-rooted conflict of escalating disputes between employees and employers in Hong Kong. At present, the mechanism for employees and employers to hold discussions has failed and this is an important cause for the outbreak of labour disputes. Hong Kong people have the rights to form trade unions and stage strikes, but the statutory right to collective bargaining was deprived in 1997 by the Provisional Legislative Council at that time. Without the statutory right to collective bargaining, employees can only negotiate their pay and fringe benefits with employers on an individual basis. When employees encounter unreasonable working conditions and demands, their reactions can easily become extreme. On the one hand, employees can only endure quietly and cope with tremendous physical and mental pressure, so over time, this may result in various tragedies in society; on the other hand, when workers cannot endure anymore, a total eruption of pent-up emotions may happen and as a result, strikes would occur.

Deputy President, to confer the right to collective bargaining on trade unions so that employees can establish truly representative trade unions can guide employers and employees towards resolving labour disputes and conflicts through regular and systematic discussions, and this can also encourage employers and employees to consider issues from a macro perspective. Even if industrial actions arise again, the likelihood of such conflicts getting out of hand would still be reduced. In order to ease the deep-rooted conflict of employees and employers being in discord in Hong Kong, enacting legislation to protect the right to collective bargaining would serve to straighten out labour relations.

Deputy President, at present, the great majority of developed countries, such as those in Europe and America, as well as Japan, have all enacted legislation on the right to collective bargaining. Even in Southeast Asia, in countries with economic strength similar to that of Hong Kong, such as Singapore, Taiwan and South Korea, legislation has also been enacted to protect the right to collective bargaining. Even in Mainland China, where the labour

rights are often the target of criticisms, the Labour Contract Law of the People's Republic of China has also been enacted to put into practice the right of workers to enter into collective contracts. It can thus be seen that the right to collective bargaining is a fundamental safeguard within the system for regulating the distribution of interests between employees and employers in various countries. If the SAR Government does not seize the time to enact legislation but continues to lag behind the international community long term, it is inevitable that it would draw the criticism that it is involved in collusion with the business sector. In the long run, this will also damage the interests of Hong Kong society as a whole and will be unfavourable to Hong Kong's long-term economic development.

Deputy President, I support Mr LEE Cheuk-yan's motion. I so submit.

MR WONG YUK-MAN (in Cantonese): Deputy President, the title of my speaking note today is "The Communist Party of China cozies up to plutocrats and the Hong Kong communists lead the grassroots into a trap". It took me a long time to write this article and it will take me at least 15 minutes to read all of it out, so I can only use these seven minutes to tell the public rather than the eight or 10 Members present in the Chamber now the gist of this article. This is not to mention the fact that Members representing the rich and the business sector have all left.

In July 1997, a mere 16 days after the reunification, the Provisional Legislative Council froze the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance passed by the former Legislative Council on 26 June and subsequently repealed it on 29 October. At Second Reading, Mr Jasper TSANG, Mr LAU Kong-wah, Mr TAM Yiu-chung and Mr CHAN Kam-lam of the DAB, who boasted about having the grassroots at their back, agreed to repeal the law, whereas CHENG Yiu-tong of the FTU abstained and Miss CHAN Yuen-han was absent when the vote was taken. That was just the beginning of the entrapment of grass-roots workers by the Hong Kong communists.

In 2008, in response to a request of the Panel on Manpower, the Research and Library Services Division of the Legislative Council conducted a research study on the system of collective bargaining in Australia, Singapore, South

Korea, Taiwan, the United Kingdom and the United States. Today, we are again debating the right to collective bargaining, that is, we have remained at the stage of discussing "whether we should eat muck or rice". While other people are already examining what dishes to cook, we are still discussing if we should eat muck or rice. Therefore, the subject matter today is totally meaningless, for it is something that we should have got long ago. So, today, I can only in particular, I can see that such officials as Matthew CHEUNG would just perform the customary ceremony duly when giving his response to this question by reading item and item from the text, muttering about this and that without ever getting to the fundamentals, and then say that he has finished speaking. For this reason, I consider it preferable to revisit history to glean some new knowledge from it, draw a lesson from history and talk about how the FTU has grass-roots workers "at its back".

In the Wage Protection Movement in 2006, the three Legislative Council Members of the FTU — Miss CHAN Yuen-han, Mr WONG Kwok-hing and Mr KWONG Chi-kin — initially said that if Donald TSANG did not legislate on minimum wage, they would not support his bid for a second term. The Government introduced the Wage Protection Movement and said that if the results were not remarkable, it would enact legislation two years later. This move drew strong reactions from them, saying that they had to consider the interests of workers and Mr KWONG Chi-kin was even filled with great indignation, claiming that he had to seek a judicial review and that the Government could adopt the administrative measures under the Trade Boards Ordinance to prescribe a minimum wage. Subsequently, the Government said that it would conduct an interim review one year after the implementation of the Wage Protection Movement, so the FTU changed tack immediately by supporting the Wage Protection Movement and gave up seeking a judicial review, as well as announcing that it would support the Motion of Thanks on the policy address. We can all see what the FTU did in the so-called Wage Protection Movement. Eventually, this matter had to drag on until 2012, when the legislation on minimum wage was finally enacted. I have written about many issues and if I talk about them one by one, my speaking time would be used up instantly, so I have only chosen to talk about some more important issues.

In 2007, bar fixers staged a large-scale strike and what did the FTU do? In 2010, in respect of the motion on giving employment priority to local construction workers in the construction of the Guangzhou-Shenzhen-Hong Kong

Express Rail Link, how did the FTU vote? In 2010, in the incident of the labour dispute involving bus companies, what did the FTU do? In 2011, the Government was asked to reconsider a "dual-track system" for the transport subsidy scheme, that is, applications could be made either on a family basis or on an individual basis, and originally, this had won the support of more than 30 Members, including those of the FTU but the official representing the Government — it was again you, the same grovelling official as soon as I talk about this, I am boiling with anger and sometimes, I also think that the language used by me is over the top — it is all very well if I do not talk about this but as soon as I talk about this, I will boil over. You explained that the proposal was an enhanced one and subsequently, the Liberal Party and the FTU changed tack, so the Government could clear the hurdle easily, thus making it impossible for tens of thousands of wage earners to apply for the transport subsidy amounting to \$600 monthly. The same applies to the Motion of Thanks in 2013. There was talk of LEUNG Chun-ying not honouring his promise of enacting legislation on standard working hours but in less than half a month, public opinion in local communities was cited as the excuse to change tack and support the Motion of Thanks on the policy address. An amendment was even moved to delete Mr LEE Cheuk-yan's reference to the failure of LEUNG Chun-ying to honour his pledge to examine legislative proposals on standard working hours and the regret about the Motion of Thanks.

(THE PRESIDENT resumed the Chair)

If I spell them all out, there are much too many such instances but no one, including the Labour Party, dares to talk about them like me, WONG Yuk-man, because I am an independent Member, so I do not have any baggage. The commentaries of many newspapers say that it is great that the President is back just in time because I want to cite a commentary of very high standard on the Internet for Members' appreciation. It was published on 27 October 2006 and entitled "Glory, fame and fortune for the FTU" and I quote, "(Translation) Inherently, when the FTU was initially established, they already had to face the tragic situation nowadays: Pro-Beijing trade unions were suppressed in the British-Hong Kong era and after the reunification, they thought that they could be the masters of their own place but little did they expect that their biggest patron, Beijing, would turn into the biggest capitalist roader in the international

communist camp and the capitalists, against whom the FTU waged life-and-death struggles, became the guests of honour of its patron. First, it was business people ruling Hong Kong, then it was the turn of a civil servant from the British-Hong Kong era. What about the FTU? At the behest of its patron, Beijing, it was forced to support its past enemies and now, this group of people is still exploiting workers. What kind of labour movement is it to ask a trade union to support the exploiting class? If the FTU is not a tragedy, what is it then?" (End of quote)

In 2006, the FTU supported the Wage Protection Movement and was accused by Mr Andrew CHENG of betraying workers. Miss CHAN Yuen-han appeared very agitated and wept on the spot. I have great sympathy for this kind of grievance of being torn between two parties and a war between gods and mortals but despite my sympathy, I cannot help them in any way. Ever since LEUNG Chun-ying was elected, property prices have skyrocketed, wages have dropped in real terms and the public have no means of living. However, the Communist Party of China still has to rely on cozying up to plutocrats to establish the basis of its rule. The war between gods and mortals and the situation of being torn between two sides in which the FTU finds itself will also continue and cannot be changed. This is a tragedy!

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

(Mr IP Kin-yuen stood up indicating that he wished to speak)

PRESIDENT (in Cantonese): Mr IP, please speak. Will Members who wish to speak please press raise their hands in indication or press the "Request to speak" button.

MR IP KIN-YUEN (in Cantonese): President, society in general does not think that workers include my colleagues in the education sector, and as a result, the education sector is being neglected. However, teachers actually also belong to the working class, and they are very large in number. The latest number of people registered as voters in the education functional constituency has exceeded 100 000 and if other people in the education sector who have not registered as

voters or who work in other areas of non-formal education are included, the number would even be larger. Members may have overlooked one point, that is, the education sector is now facing very dire problems.

The Hong Kong Professional Teachers' Union (HKPTU) is the biggest trade union for teachers in Hong Kong and in fact, the problems and obstacles encountered by us in our interactions with the Government are on the increase. In respect of teachers, teachers are widely distributed in various universities, secondary schools, primary schools and kindergartens but their employers are rather concentrated. In respect of universities, their employers are the dozen or so tertiary institutions and in secondary schools, primary schools and kindergartens, their biggest employers are the Government and various sponsoring bodies. For this reason, many members of the public have the idea that teachers are different from the working class in general in that they would not be affected by the unreasonable policies imposed by their employers. However, such a view is mistaken because the employers of teachers — the Government and various sponsoring bodies — also have their own problems.

With the contractization of teachers holding a permanent post, the outsourcing of education resources and the increase in the number of teachers on contract terms in recent years, the job security for new teachers has become increasingly weak and the need of teachers for reasonable protection in law has also become increasingly evident and important. At present, it is not mandatory for teachers in Hong Kong to join teachers' unions and even though individual teachers choose to join them, teachers' unions do not have the right to collective bargaining. Therefore, teachers in Hong Kong cannot negotiate with employers through their trade unions in a legally binding setting, so as to protect the due rights and benefits of teachers.

President, with the effects of commercialization of education, the decline in student population and various kinds of vicious competition, teachers' position as employees has become even lower and weaker, so they may not even dare to come forth to defend their own rights, and may even keep quiet out of fear or intimidation. The main cause is the changes in the ecology of the education sector. On the one hand, the workload and pressure borne by teachers have increased significantly, and on the other, the contract system has also made teachers lose their bargaining power, so they do not have any job security.

Therefore, the prescription of a legally binding right to collective bargaining for trade unions is the most effective way to protect teachers' rights.

President, what kind of protection do teachers need in their work? I believe we can get some idea by looking at the roles of teachers' unions. At present, one major problem facing teachers is job security. In respect of teachers in aided schools, one very important aspect is the Code of Aid for Aided IMC Schools (Code of Aid), which sets out the procedure and requirements for the recruitment and dismissal of teachers that are applicable to the great majority of aided schools.

In recent years, the Government has also introduced school-based management into the education sector by devolving power to management committees, so the Code of Aid has to be revised to regulate aided schools that have established Incorporated Management Committees (IMC). A major problem is that in the course of revising the Code of Aid, it turned out that the Government had never consulted the largest teachers' union in Hong Kong, the HKPTU. In the revised Code of Aid, we found that it is fraught with loopholes and some provisions even rocked the "backbone" for protection of teachers' rights, so this is totally at odds with the actual spirit of the Code of Aid.

The education authorities of the past also had negotiations with teachers' unions, for example, on how to make the most appropriate arrangements for such issues as surplus teachers. However, when revising the Code of Aid, the Government did not ever consult teachers' unions, even in revising the important procedure of dismissing teachers. Without any consultation, this is tantamount to working without making any reference to reality, so the support of teachers' unions and teachers at large cannot be secured. Although the lack of discussions may reduce the controversies or opinions that may otherwise be expressed by teachers in the process of revising the Code of Aid, in reality, the potential conflicts have not been resolved, thus further aggravating the ecology in the education sector in Hong Kong and leading to more disputes and complaints. If the authorities had attached importance to the role of trade unions and carried out consultations at an early stage, the discontent of teachers with their schools and the Education Bureau could have been greatly reduced in the course of policy formulation.

Let me explore the situation of teachers in Hong Kong at present, including that of teachers on permanent establishment who have all along been working in schools. They also face major problems currently. According to the

information of the Education Bureau, teachers in Hong Kong give an average of 26 lectures weekly. When I relayed this piece of information to teachers, many of them told me that the number of their lectures was not limited to just 26 and generally speaking, it was more than 30. They explained that the figure provided by the Education Bureau is only the average and included the teaching load per week for principals and form teachers, so the figure was pulled down. No matter if the teaching load per week is 26 lectures or more than that, Hong Kong is a far cry from Mainland China, Taiwan and Macao because the teachers in these places need only give 10 to 20 lectures.

President, you were once a teacher, so you should know that the number of lectures given by teachers on the Mainland is lower, so that they can do a better job. The number of lectures given by them is more reasonable, whereas teachers in Hong Kong have a very hard time. Why? For a long time, the Education Bureau believes that each teacher can do more, so the number of teachers assigned to each class is far lower than those of other regions, thus leading to a far heavier workload for each teacher. This situation arose because there was no prior discussion in this regard.

The lack of discussion has given rise to unreasonable requirements. In Taiwan and the Mainland, standards on the number of lectures are prescribed but this is not the case in Hong Kong. Precisely because no proper discussions have ever been held, that is, there is no right to collective bargaining, such a consequence has arisen. For this reason, I support Mr LEE Cheuk-yan's motion. We need the right to collective bargaining.

DR FERNANDO CHEUNG (in Cantonese): President, the results of the public opinion survey published by the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong today indicate that more than half of the respondents considered labour relations to be worse than that a decade ago. The results of this survey have been published just today.

On labour relations in Hong Kong, the survey includes this question: What do you think of labour relations in Hong Kong nowadays? Are they good, fair or poor?" Among the respondents, 39.3%, that is, almost 40%, considered it to be poor, so compared with a decade ago, the difference is very great.

In addition, this survey also makes various statements about labour relations and one of them is, "Employers in Hong Kong often want to maximize profit and are unwilling to share with employees the fruits of successful business operation.". Respondents who agreed with this statement accounted for as high as 42.1% and those who disagreed only accounted for 16.6%. In other words, over 40% of the respondents believed that employers nowadays wanted to maximize profit and were unwilling to share with employees the fruits of successful business operation.

Another question reads, "Employees in Hong Kong, in order to lobby for their own rights, inevitably have to resort to rather radical tactics in order to make employers respond to their demands.". Respondents who agreed with this statement accounted for as much as 38.6% and those who disagreed only accounted for 29%, so it can be seen that a larger number of people believe that it is inevitable for employees to adopt more radical tactics.

Another question reads, "The labour policy of the Hong Kong Government cannot protect the rights of grass-roots workers.". Respondents who agreed with this statement accounted for 38.8% and those who disagreed accounted for 22%.

The results of this survey precisely reflect the fact that the labour relations and mutual trust between employees and employers are deteriorating and that the problems are also worsening. Does the right to collective bargaining protect only employees? Without any basis for negotiation, the employer side thinks that it can be supercilious and show no respect for the labour side, so they seek to maximize their profits in the market within the limits permitted by law. Is such a situation suited to Hong Kong's position as a civilized world-class city in the 21st century? Do employers think that they have won and can take all in such a situation?

The incident of dock-workers strike tells Members clearly that this is not the reality. In the incident of dock-workers strike, did employers suffer any losses? The losses suffered by them ran into hundreds of million dollars. Be it their losses in the financial market or actual business losses, the losses suffered by them are all pecuniary. If a basis and framework for negotiation had been

established, so that employers and employees had been able to hold discussions in an organized way and on a legal basis, all these losses could have been avoided.

Of course, the labour side also suffered losses because many workers suffered losses in terms of wages because of the strike that lasted many days. In this process, some of the employees might feel disillusioned and some employees might consider switching to other trades because they were not hired again, so they could not retain their jobs, thus seriously impacting on their means of living. In a civilized capitalist system, we hoped that both the labour side and employer side can at least co-operate in a problem-free setting underpinned by reasoning, so as to promote social progress.

Members can see that in the end, the grievances of dock workers pent up over the years boiled over inexorably. Had employers been willing to discuss and reason with the trade union representing dock workers and strive to forge a consensus in the negotiations, it would not have been necessary for the dock workers to go on strike for almost 40 days. However, due to the absence of a basis for collective bargaining and provisions on the same, employers could disregard and disrespect workers and even refuse to recognize the trade union. Due to the absence of this kind of mechanism for bargaining, both sides suffered great losses.

Do we want to see this cycle repeated all the time, that is, employers maximize their profits and workers are driven beyond the limits of forbearance, thus resulting in the outbreak of industrial actions? Last time, the bar fixers went on strike for 30 days and this time, dock workers went on strike for 40 days. Next time, some other workers may go on strike for 60 days. If the workers who went on strike had not been dock workers but other types of workers, the blow dealt to the Hong Kong economy as a whole could have been even greater, thus making society as a whole pay a price. Why do Members not allow the formulation of a legal basis and mechanism, so that employees and employers can both sit down to reason with one another and negotiate properly? What major problems are there? Do Members think that by not allowing any negotiations, employers can be the sole winner? Sooner or later, this kind of incidents would happen again. Are we practising this kind of "primitive jungle" capitalism? Do Members think that those who have great power or capital in their hands are the only winners, so there is no need to pay heed to wage earners? If we

continue to practise this kind of system, sooner or later, similar incidents would occur again.

Therefore, I hope the Government can think twice seriously. The right to collective bargaining is a fundamental right. The Government must not hesitate anymore but should enact legislation on the right to collective bargaining immediately.

Thank you, President.

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

MR MICHAEL TIEN (in Cantonese): President, today, I wish to examine from three angles whether or not enacting legislation on the right to collective bargaining is appropriate for Hong Kong nowadays.

First, what kind of economy would benefit the most from the right to collective bargaining? According to the studies of a number of academics in the human resources discipline, since most developed countries have shifted from the primary and secondary sectors to the tertiary sector and the average number of people in the works has decreased, this has resulted in a significant drop in the number of people joining trade unions in many countries since the 1990s.

The studies of the Organization for Economic Co-operation and Development (OECD) and the International Labour Organization all recognized the fact that since the 1990s, the numbers of people in the trade unions of many European countries have declined significantly. Take the United Kingdom as an example, the participation rate of workers in trade unions has fallen drastically since the 1980s, from 67% in 1960 to 36% in 1997. This is because from the 18th century to the 19th century, European countries relied primarily on various industries. From the 1980s to the 1990s, with globalization, the exchanges in logistics and information have increased drastically, so international trade has become very vibrant in the past two decades as a result. In furtherance of the concept of relative advantage, the factory owners of the major industries covered by trade unions have all relocated their industries to countries where the costs are lower, thus resulting in a decline in the need for collective bargaining.

Similarly, since the 1990s, the industries in Hong Kong have also relocated across the boundary and subsequently, Hong Kong developed successfully into a service industry centre and the financial industry even became one of the most important industries of Hong Kong. Meanwhile, as Members can all see, European and American countries have developed gradually into service economies with high-value-added industries, so their need for collective bargaining has declined gradually. This shows that collective bargaining may not necessarily be suitable for Hong Kong where service industries are the mainstay.

Second, what effect will the enactment of legislation on the right to collective bargaining actually have on Hong Kong, which is an economy comprising mainly of small and medium enterprises (SMEs)? Take the United Kingdom in the 1970s as an example — Members all know what happened — the Labour administration in the United Kingdom gave trade unions the right to collective bargaining and the right to go on strike, thus resulting in the excessive expansion of the power of trade unions and the strikes staged by various industries were practically interminable. For example, a major strike staged by coalminers occurred in 1976 and the United Kingdom was forced to implement a three-day work week to save energy. It was not until Mrs THATCHER of the Conservative Party took office that the power of trade unions was curtailed, such that the strikes and political unrests nationwide could be suppressed.

Not only do the rights to collective bargaining and to go on strike affect the local economy, they also impact on the business environment and often, this would cause investors to leave in droves. However, the message that I wish to put across is: Given that companies in Hong Kong are mainly made up of SMEs, what impact will enacting legislation on the right to collective bargaining have on SMEs?

As far as I can remember, the law on collective bargaining passed by the former Legislative Council provides that companies with less than 20 people can be exempted, that is, SMEs do not have to worry as they will not be affected. However, ultimately, it would not be possible to honour this promise. Why? Other countries also have had similar experiences. For example, the right to collective bargaining prescribed by the South Korean Government exempts SMEs but now, it is subjected to great pressure as voices calling for the abolition of the exemption for SMEs can now be heard in society. Some local people have

asked why the employees in SMEs are not protected. Why should the employees in SMEs be repressed?

In addition, more importantly, many countries practising the right to collective bargaining all practise industry-wide collective bargaining, that is, labour unions would bargain with the industry representatives. Who usually are the representatives of an industry? As we all know, usually, they are the bosses of large corporations who have the largest amount of free time. They have huge amounts of resources and in representing their industry in negotiations, they also enjoy economy of scale and can offer better conditions. However, once the decisions have been made, the operators in the entire industry are bound by them. SMEs have no opportunity to take part in the negotiations but they are forced to accept the outcome, so this creates a major problem: Just like large corporations, SMEs have to bear the burden of putting in place labour welfare policies that are equally favourable. May I ask how possibly can SMEs compare with large corporations?

Economists studying labour movements and rights all point out that with collective bargaining, labour unions can lobby for very desirable pay increases for workers. Although this is a fact, often, this is a compromise that sacrifices long-term development for short-term interests.

Third, does Hong Kong, with its low unemployment rate, need the right to collective bargaining? In 2012, the unemployment rate in Hong Kong was 3.3% and the average unemployment rate among OECD countries was 8.4%, a difference of about 5%. In the past decade, Hong Kong's annual unemployment rate has always been lower than the average of the OECD. As Members all know, labour organizations are the most powerful weapon the unemployment rate in Hong Kong is very low, so if any company treats its staff poorly, in Hong Kong nowadays, it is more common to see employees giving their bosses the sack rather than the other way round. As a result, wastage rates are on the high side and even though vacancies exist, there is no one to fill them. The market mechanism in Hong Kong is proven, the economy has seen sustained growth and the unemployment rate consistently remains on the low side, so this is already the best system for protecting workers' rights.

Finally, as the Secretary for Labour and Welfare pointed out, the success rate of the Labour Department in mediation was 72% in 2008, so this proves that the present composite mechanism — that is, the market mechanism coupled with the mechanism for resolving labour disputes — is already capable of protecting labour rights. For this reason, I do not think that there is any urgency in enacting legislation on the right to collective bargaining.

I so submit.

MR CHAN CHI-CHUEN (in Cantonese): President, I have chosen to speak later in the evening not because I wish to compete with others to be the last Member to speak in this meeting. Instead, I wish to listen to more speeches on and arguments for opposing the right to collective bargaining before delivering my speech. However, it is a pity that I have actually heard not many opposition voices. As Mr Michael TIEN has finally finished speaking, it is now my turn to speak. Many Members who are business tycoons are simply too reluctant to listen to our speeches and respond. They would rather watch horse racing at the racecourse because they find it a waste of energy to speak since the enactment of legislation is, after all, nowhere in sight, however sensible our arguments.

What does the right to collective bargaining actually mean? Is it a scourge? The right to collective bargaining enables workers to negotiate employment conditions with their employers through trade unions. What does this "right" mean? Does it refer to the right to beat you or rob you of your money? No. It just means that I have the right to ask you to negotiate with me. Certainly, the outcome of negotiations must be legally binding. I believe Members are well-versed in theories in books. However, I still have to point out that the right to collective bargaining is not meant to make workers benefit the most. It is similarly beneficial to labour relations and the fostering of a win-win situation. It can reduce unnecessary misunderstandings and friction, as well as strikes. Just now, Mr TIEN mentioned that strikes are staged in overseas countries almost every day. However, it does not mean that workers will not go on strike in the absence of the right to collective bargaining. Instead, they will take the last step of going on strike right at the beginning while they still have some bargaining power but there is no room for negotiation.

I have always envied those trades in which trade unions have already been formed. I also hope that the trade I am engaging in can form a trade union, so that I can join it. When I was young, I was trapped by the FTU inadvertently because I was lured by its offer of a discount of dozens of dollars to join one of its courses. When I woke up to this later, I refused to join the FTU even though I had to pay the full fee. Now, things are even clearer to me. I have simply stopped attending its courses. What did I do for a living at that time? I was working in the radio business. As everyone knows, since there are no trade unions in all the commercial television and radio stations in Hong Kong, local television stations are so high-handed that they can exploit their employees indiscriminately. Even television stars are given the same treatment. Not only are their wages very low, but they also have to work long hours in a deplorable working environment and terrible conditions. However, there is rarely anyone who is willing to voice out for them. They are leading an inhumane life of receiving endless work orders and working non-stop round the clock. I can share with Members sad stories of the show business when I have the chance to do so.

Subsequently, the Hong Kong Performing Artistes Guild attempted to assist employees working on and behind the stage in fighting for their interests. For instance, it campaigned for the payment of \$500 by television stations to each guest appearing on their shows to meet transport expenses. However, one of the television stations even asked the guests appearing on its shows to sign a paper to show that they refused to accept the payment voluntarily. This is indeed a good example of the power of a dominating television station. I have also had the experience of not receiving salaries from a television station. However, it was difficult for me to seek help from the Labour Department because I was not paid on a monthly basis. It took precisely a year. What happened in the end? (A Member said "go on strike") Going on strike? The show was already finished a long time ago. After I had told some reporters my terrible experience, a cheque was immediately issued to me by the television the following day.

Forced renewal of employment contracts is another means adopted by television and radio stations. They will lock up their staff members in a room and ask them to sign employment contracts immediately. They are not allowed to go home or talk to anyone. What is more, they are not allowed to consult their lawyers. If they refuse to sign the contracts, they will be dismissed right away or, worse still, locked up in the room. When I was working for a radio station, I was once locked inside the room of my big boss and told to sign a

contract right away. If I refused to do so, the boss of the other radio station would be told on the phone that I would never be employed again, and I would thus lose my bargaining power all of a sudden.

Why is it so difficult for trade unions to be formed in certain trades? One of the reasons is that there are too few types of work available. As in the case of the television industry, for instance, it is dominated by one television station, and hence people in the industry cannot switch jobs for fear that they will not be offered any job again. In fact, the lack of the right to collective bargaining is also another reason. People working on and behind the stage in television stations will not form themselves into trade unions because they believe it is completely futile to do so, and they are powerless to confront the television stations. The situations in overseas countries are, however, very good. Not only can trade unions be formed for each type of posts on and behind the stage, but employees can also go on strike together, even if it means that no television dramas will be shown.

The Secretary has once said that enactment of legislation is not required according to the International Labour Convention, and negotiations should most preferably be conducted voluntarily. Such words are actually familiar. When discussions were held on the enactment of legislation against discrimination, it was not considered to be the best solution. Instead, education and publicity should most preferably be carried out, and negotiations should be conducted when there are differences. However, the Government simply has no power to require the parties to engage in negotiations. Even the Secretary has no power to do so. The parties concerned can even refuse to come to meet you. Even if they do, they might be doing it merely for the sake of giving you face or paying lip-service. Our request for establishing the right to collective bargaining is actually meant to empower the Government, so that further actions can be taken to address the problems.

Many Members have quoted the remarks made by LEUNG Chun-ying during the Question and Answer Session. Let us listen to what he said. He said that he had always taken the distribution of the fruit of economic growth very seriously. In this connection, Members asked him what he would do when there was an imbalance in the distribution of the fruit of economic growth. In fact, Members were asking about the right to collective bargaining, but he replied that Home Ownership Scheme (HOS) flats took up the largest share and public rental housing was the best form of assistance. So long as the prospects of trades were good, employers would offer pay increases. Ultimately, all trades and industries

would prosper. Whether or not the right to collective bargaining could benefit workers in general was, however, open to question. LEUNG Chun-ying once again not replied to the question. Nevertheless, there is no need to hold Question and Answer Sessions anymore in the future, because LEUNG Chun-ying already put on a show before us yesterday. When asked how he would reflect to the Central Authorities the appeal of Hong Kong people for vindication of the 4 June Incident, he even talked about "Hong Kong property for Hong Kong residents" and the purchase of HOS flats by White Form applicants in his reply. Members may refer to the press releases already issued for information. Hence, it is extremely difficult to press LEUNG Chun-ying for a reply. I really have no idea how to put questions to him in the next Question and Answer Session. Perhaps we may just say what is in our mind.

What will be the final outcome if there is no right to collective bargaining? Workers will be forced to take the last resort right at the beginning by going on strike right away. They will definitely go on strike if they are capable. Instead, they will resort to more strikes to put pressure on their employers to sit down and raise counter-proposals. So, let us enact legislation on the right to collective bargaining for negotiations to be conducted. *(The buzzer sounded)* do we want to see this happen?

MR CHRISTOPHER CHEUNG (in Cantonese): President, when it comes to collective bargaining, Members will surely recall the 40-day industrial action staged at the Kwai Chung Container Terminals in March this year. Although it was not staged in the name of collective bargaining, it was actually a show of collective bargaining. Due to the intervention of a trade union, a demand for a 20% pay increase was made right at the beginning. As a result, the negotiation had remained deadlocked for a long while. Not only was a subcontractor operating as a SME compelled to wind up its business, but the volume of Hong Kong's export was also dealt a direct blow. The transfer of a lot of cargo to ports near Hong Kong has also undermined our status as a logistics hub and competitiveness.

Undeniably, there was indeed a need to improve the previous working environment and treatment of the dock workers. The problem is that the trade union has adopted the political struggle model in disregard of the actual circumstances. It has merely attempted to compel employers to accede to all

their demands as if there is no room for compromise, thus giving people the impression that they will achieve their goal by hook or by crook.

Labour relations in Hong Kong have all along been harmonious. Despite the occurrence of labour disputes every now and then, conflicts can very often be resolved at the negotiation table through mutual understanding and accommodation and discussions, so that a win-win situation can be achieved.

President, as in some of the overseas examples cited by Mr Michael TIEN, collective bargaining is not a panacea that resolves labour problems and cannot necessarily improve workers' benefits on every occasion. I do not wish to repeat it here. One of the revered achievements of the late Prime Minister, Lady THATCHER, was her success in reversing the situation in which the incessant industrial actions in the United Kingdom had almost derailed the national economy. In the earlier quoted industrial action staged at the container terminals, for instance, as one of the contractors was forced to wind up its business because of the incident, some workers were unable to return to their original posts or forced to switch to other industries after the industrial action. Coupled with the fact that both the container terminals and Hong Kong in general have incurred certain losses, the negotiation has been criticized by many as bearing no winner at all.

Furthermore, as pointed out in the last debate conducted in this Council, our competitiveness is falling. Deteriorating labour relations and endless struggles will only make our competitiveness fall further, which will in turn seriously damage Hong Kong economy.

Furthermore, the constant improvement in labour welfare in Hong Kong over the years has given rise to many other problems. For instance, a number of industries have been suffering from a manpower shortage since the implementation of the minimum wage. Some proprietors in the catering industry have even been compelled to work as dish washing workers. Moreover, the minimum wage has also caused inflation. This, coupled with standard working hours and collective bargaining, will only be counter-productive to our endeavor to become the world's best business environment or enhance our competitiveness. How can collective bargaining, which is full of political connotation, help improve labour welfare and employment?

With these remarks, President, I oppose the motion.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I have waited until the later stage of the meeting to speak, too. Let me begin with the problems with Lady THATCHER because Members all agree that she was remarkable and the United Kingdom's thriving economy owed much to her efforts in cracking down on the labour movement in the United Kingdom. Of course, it is a big misunderstanding. Honestly, this legislature is extremely poor in deliberations.

While it was generally agreed that the United Kingdom's economic recession was attributed to its excessive industrial actions, a research conducted by *The Economist* in Europe had two data showing that British people were the first ones to sell their inventions to foreigners for production and British capitalists were the first to operate companies in overseas countries, or other parts of Europe. In other words, British people found it easier to make money overseas or were too lazy to work, and their inventions were thus sold to other people. Of course, it would do harm to the workers in the United Kingdom, and those in trouble would naturally resort to strikes.

In fact, the strikes staged by trade unions in the United Kingdom at that time were wildcat strikes conducted not in a truly open manner. In other words, even trade unions did not wish to go on strike all the time. Therefore, they could only stage wildcat strikes. What did it mean? It meant that workers could not wait any longer. They had to resort to strikes because there was no right to collective bargaining in the United Kingdom at that time. As a result, they had no alternative but to go on strike. It was as simple as that. Under the system in the United Kingdom, trade unions and employers were struggling all the time.

Now I would like to say a few words about whether we should have the right to collective bargaining in Hong Kong. Just now, the assistant of Mr Christopher CHUNG looked up the information and said that the right to collective bargaining could not be contravened because it was expressly stipulated in the law in the United States. I must tell Members a simple issue that even the President might still remember. When troops were sent by Ronald REAGAN to wipe out the regime in Grenada, all the navigators on strike were arrested by the United States National Guard, as if all the people standing in the way would be killed. When a state power favours employers in such a blatant

manner, is there any difference between this incident and the major strikes staged by coalminers in the United Kingdom? It was actually not wrong for the workers participating in the sit-in strikes at that time to say that the coal mines belonged to them. Despite the loss of countless lives of people who had been working in coal mines generation after generation, all the miners were thrown out of work after their employers decided to nationalize the coal mines and shut them down. Naturally, they would rise in resistance.

How can the workers on strike not be defeated when the state machinery favours employers by deploying police officers to beat them up? Of course, the economy could be rebuilt on their corpses after their defeat because the costs had been suppressed to an extremely low level. Do you, President, understand? We cannot say Nanjing was restored to peace after the Nanking Massacre committed by the Japanese, because the place would certainly become very peaceful after all the people were killed. Even ghosts would stay away from it, right? These words are simply confusing the right and the wrong. May I ask when workers will be fiercer than employers? Workers will have nothing to eat and feel extremely terrified if they do not receive one month's wages. Members may ask Mr LEE Cheuk-yan whether the donation distributed to workers is enough for them to feed their families. Of course, it is not enough. How dare you say so?

President, Mr Christopher CHEUNG is not present at the moment. Just now, he said that Hong Kong's competitive edge would be undermined as a result of strikes. What was he talking about? Can COSCO and the Temasek, shareholders of the Hongkong International Terminals, solve the livelihood problem of Hong Kong people? Do you think their purpose of doing business here in Hong Kong is to keep Hong Kong people alive? Furthermore, it seems to me that LI Ka-shing is operating a container terminal in Yim Tin Tsai, too. If the business here is not good, he might as well go to Yim Tin Tsai. Only that they are doing nothing and dreaming here. There are four container terminals in China, and they are all ahead of ours. Not only do they involve international financing, but LI Ka-shing also has a stake. So, who are stronger, capitalists or workers?

Furthermore, given the enormous loss suffered by employers daily and the humble demand made by workers, how much money is involved even if the percentage is increased from 9% to 20%? As it is said that \$50 million will

evaporate every day, is it cruel to do so? What are they talking about? Who are they?

President, collective bargaining is the last resort. In fact, the right to collective bargaining is also effective in forcing parties to engage in collective bargaining. Such cases have happened in the United States. If people are asked not to negotiate and prices and wages remain steady without rising for three years, then no profit control will be required. With the state machinery growing in size and increasing intervention, the workers' call for having the right to collective bargaining is just meant to ensure that they do not need to suffer so much in the hope that a better platform can be provided to prevent them from seeing their wages cut without prior notice. What they want are just the right to be heard and consulted and to negotiation. It is such a humble demand. Moreover, what will happen even if negotiations fall through? Can workers still get paid for no reason? They can only go on strike at the most. They are now giving you one last opportunity.

In fact, even the Fascists appeal for negotiations. This was the most favourite tactic for MUSSOLINI. He had set up 10 to 20 committees, including company and profit committees. President, this legislature is truly distorting everything. When Hong Kong becomes prosperous because the majority is in the disadvantaged position, people fighting for a better platform are even criticized. Is there anything wrong? Is this legislature insane? How can one talk about Hong Kong economy being undermined. Just take a look at our property prices. How can one say that the "trickle-down effect" may push up wages. Mr Michael TIEN can be described as the most shameless. Mr WONG Kwok-hing has already pointed out that the GDP growth is far higher than the pay increases of ordinary workers. This is a case in point.

MR KENNETH LEUNG: President, I am speaking to support Mr LEE Cheuk-yan's motion for the right to collective bargaining for the workers. In fact, President, you know that I am a champion of the free market economy. However, Mr LEE Cheuk-yan's motion today is a very sensible and simple motion to propose a simple legal framework for a collective bargaining process. In fact, I think Members from the business sector need not be too alarmed by this mechanism. I see the collective bargaining process is no more than a legal framework under which the employer and employees would sit down together

and work sensibly towards an amicable solution. This will benefit both the employer and employees in case there is an industrial dispute. It works efficiently and effectively.

In fact, I can quote you a few examples. I know many of our Honourable Members are very skeptical about the economies in Western Europe and the United States, as they have been in decline for many years. But I can quote a few examples from our neighbours. First, in Australia, since January 2010, collective agreements no longer exist in Australia, but of course, this is a wrong message. However, existing collective agreements will continue to apply until they are terminated. But in fact, there is a new act called the Fair Work Act which has existed from January 2010 onwards. The Fair Work Act permits three types of enterprise agreements which are equivalent to the collective bargaining agreements. These enterprise agreements set out terms and conditions of employment. The first type is the single-enterprise agreement made between one employer and a group of employees. The second type is the multi-enterprise agreement which is made by two or more employers and groups of their respective employees. And thirdly, there is also a type of agreement called the greenfields agreement which can exist only where there is a genuine new enterprise which is yet to employ workers; it can be made by one or more employers with one or more respective unions.

Apart from Australia, let us look at another neighbour of ours, Japan. Enterprise-based bargaining prevails as enterprise unions predominate in Japan, and of course, this may not be the situation in Hong Kong. In most cases, enterprise unions rather than the large federations conduct the collective bargaining. So, we are talking about enterprise-based unions, which is quite akin to the situation of Hong Kong, where we are not talking about across-the-board, cross-enterprise unions. Collective agreements between employers and unions generally regulate matters such as working conditions, pay, bonuses, fringe benefits, working hours, holidays, health and safety, dispute procedures and procedures to deal with redundancy and secondment. In fact, if we are going to have a legal framework, these items are negotiable. Whatever items are going to be put inside the collective bargaining framework is to be agreed between the employer and employees.

Last but not the least, let us look at yet another example. Many of our Members praise the economic performance of Singapore. Singapore is always

put as an example of a keen competitor of Hong Kong. And yet, we should not forget who LEE Kuan-yew is. LEE Kuan-yew is a trained lawyer graduated from the University of Cambridge and his expertise is Labour Law. He fought rigorously for workers' rights before Singapore's independence from Malaysia. And what is happening in our good neighbour Singapore? Under the Industrial Relations Act in Singapore, all collective agreements entered into in Singapore must first be certified by the Industrial Arbitration Court (IAC), although the IAC may refuse to certify a collective agreement if it is against public interest or the terms of the agreement have not been satisfactorily or adequately set out. And once set out, the collective agreement will be binding on the parties to the collective agreement together with the successors of the employer and the employees' trade union.

Now, it should also be noted that all collective agreements have to make provisions for the settlement of disputes arising out of the operation of the collective agreement, including provision for the reference of such disputes to a referee. As one can see, there are great varieties of a collective bargaining regime. And what Mr LEE Cheuk-yan is suggesting here is a simple and flexible system. When one thinks about it, if we have any industrial dispute of the size we have experienced in the past two months, the collective bargaining regime will create a legal framework to settle the dispute amicably, efficiently and effectively.

Therefore, I would urge all of our Honourable colleagues in this Chamber to support Mr LEE Cheuk-yan's motion. Thank you very much, President.

MR CHUNG KWOK-PAN (in Cantonese): President, we all know and concur that more than 90% of the businesses in Hong Kong are small and medium enterprises (SMEs), and the number of employees in most of the SMEs in Hong Kong ranges from 10 to below 20. The bosses will spend more time in a day with their employees than with their families. Hence, all along, labour relations in SMEs are relatively harmonious. Employees will discuss with their bosses direct whenever problems arise, such that they can then be resolved in half an hour.

If more than 90% are SMEs and employer-employee negotiations can solve any dispute, I think that the right to collective bargaining is entirely useless for the SMEs. Of course, we all know — particularly we have held two motion

debates on Hong Kong's business environment and the sustainable competitiveness of Hong Kong as a whole recently — the overall business environment of Hong Kong is deteriorating and most of the SMEs face a very harsh business environment. With dwindling profits, they are struggling to survive. We will definitely share our profits, if any, with employees. Now, most of the problems seem to occur in large enterprises.

As mentioned earlier, large enterprises account for 5% to 7% of the businesses in Hong Kong. As we can see it, there are trade unions in many large companies and these trade unions will fight for employees' interests on their own. Examples of such are numerous. A good example is the Cathay Pacific Airways. Strikes occur every few years, but the duration is very short. Problems are resolved after negotiations between the management and staff at the conference table.

Problems faced by SMEs can be resolved through employer-employee negotiations. In large enterprises, employees' interests are fought by their unions. Will a law on the right to collective bargaining bring about any change, thereby leading to better interests for the labour sector? I am doubtful about it. Take the dock-workers strike as an example. No one wants to see it happen. But it ends up in an "all-lose" situation because Hong Kong economy has suffered; the business that has gone to elsewhere may not come back; and HIT has suffered losses, too. Although I have no idea about the loss in terms of money, its goodwill has certainly been damaged. The contractor has suffered losses. The contractor is a typical SME, caught in the middle and unable to put up resistance. Even the Global Stevedoring Service Company Limited has to wind up. As I explained earlier, SMEs caught in the middle are in a dire situation. Finally, the dock workers are certainly the losers although they managed to win a pay rise of 9.8%. However, they have to give up wages for 40 days and their loss is enormous. So, ultimately, this is an "all-lose" situation and no one benefited from it. Will the right to collective bargaining turn this into an "all-win" situation? This is a big question.

Doing business in Hong Kong, most of the companies are SMEs. We can maintain mutual understanding and mutual respect with our employees. Whenever there is any problem, we will sit down and talk with each other. In my company, my 10-odd employees know whether I have made profit or not. It

is totally transparent. Certainly, the situation of big enterprises is entirely different. Given that more than 90% of the enterprises in Hong Kong are SMEs, the right to collective bargaining will not make any difference to SMEs in Hong Kong overall.

President, most of the employers in Hong Kong will share their profits with their employees if they have made money. It is not true that they will pocket every penny and exploit all their employees as some Members said. A boss has only one head and two hands. He can only manage his own job regardless of how capable he is. However, I can develop the business of my company with the assistance of 10 employees. I can solicit customers and make profits. Therefore, I do not believe that most of the bosses will try to be mean to their employees and it is necessary to enact legislation on protecting employees' right to fight for their personal interests.

President, I think the right to collective bargaining advocated in the motion may not be suitable to present-day Hong Kong. I so submit. Thank you, President.

MR WU CHI-WAI (in Cantonese): President, I did not intend to speak initially. We in the Democratic Party clearly support enacting legislation on the right to collective bargaining. From the speech given by Mr CHUNG Kwok-pan just now, it seems that he clearly knows that workers' right to collective bargaining is a good thing because it can reduce the transaction cost when employees and employers discuss the labour interests. Just like what Mr CHUNG Kwok-pan said, the "all-lose" situation in the dock-workers labour dispute has perfectly proved that if the workers had the right to collective bargaining, both sides would have a reasonable platform on which negotiations for an expedient and effective solution can be conducted.

When we talk about workers' right to collective bargaining, we naturally direct our conversation to how far and wide their right can go. I still recall that in 1997 when Hong Kong reunited with China, the collective bargaining requirements under the law as proposed by Mr LEE Cheuk-yan had also taken the situation of SMEs into consideration. In my recollection, only enterprises that hire more than a certain number of employees are subject to the law. Maybe Mr

LEE Cheuk-yan can clarify this later on. This proves that Mr LEE Cheuk-yan, as a representative of the labour sector, will certainly make appropriate planning in accordance with Hong Kong's specific circumstances when formulating an ordinance regarding workers' right to collective bargaining. In Hong Kong, 90% of the enterprises are SMEs. Major enterprises in Hong Kong are in the minority, which only account for 5% to 7%, but they hire a rather huge number of employees. Take the dock workers incident as an example, HIT indirectly hires a few hundred workers. If we add to them those workers operating at the container terminals, the number of employees is much larger.

Some people say that major enterprises have trade unions, which means that there should be no worry. Undeniably, trade union is a platform for discussion. But the point is, if there is no statutory mechanism to deal with the negotiations between trade unions and employers, what happens once the negotiations break down? What can be done to resolve the aftermath?

In modern-day society, we face various kinds of social conflicts. Most often we have to find ways to resolve controversies in society. Take a look at the Law Reform Commission of Hong Kong as an example. It will advise the Government to establish a tribunal mechanism for even very trivial matters like disputes between landlords and tenants. Why? Because we have realized that society as a whole will have to pay a rather high transaction cost if there is not an effective legal platform on which disputes and conflicts can be resolved.

How should we calculate this kind of social cost? It sounds to me that no one has really considered this aspect. They just simply say "no way". They think that workers' right to collective bargaining will only bring a lot of troubles to employers. Have the employers ever realized the fact that disputes over the rights and interests between employees and employers will still exist even in the absence of such a platform? I only wish to raise one point: What can be done effectively to resolve the disputes over the rights and interests between employees and employers?

If this kind of social cost cannot be reduced through any mechanism, our society as a whole will have to pay the price. Like the dock workers incident, we describe it as an "all-lose" situation. The workers may have lost their 40-day wages and HIT may have lost 40 days of revenues, not to mention the contractors

trapped in the middle as well as the overall business of our container freight industry. Has anyone ever estimated how much this social cost is?

If the Government seriously considers legislating on the right to collective bargaining, then it should work hard on the goal to reduce the social cost incurred by any unnecessary disputes. If the Government fails to work for this, what else can we do to resolve social disputes? Do we really have to fall back to those years in Mainland China where the people used to practise egalitarianism, with everyone "eating from the same big pot"? During those days, people did not have to worry because their work was centrally planned by the Government. We do not want to be like that.

In a free society and market economy, people often have to ponder: What does an effective market mean? What does an excellent condition mean? Actually, it means a good solution through which the social cost can be reduced while disputes resolved. If the Government does not even understand this, we are not qualified to say that Hong Kong is a free society or a market-oriented city.

Therefore, if only Honourable colleagues from the business sector can consider the effectiveness of a law to give workers the right to collective bargaining can help minimize social cost, they will probably change their mind. Besides, Mr LEE Cheuk-yan has said that the legislation is not targeting at small enterprises. It aims at sizeable enterprises instead. If it is like what Mr LEE Cheuk-yan has been saying, everybody can rest assured. Moreover, we are only suggesting the Government to consider enacting legislation in this direction. As it is at the preliminary stage only, I urge for your support.

Thank you, President.

MR RONNY TONG (in Cantonese): President, Hong Kong is really a very peculiar place. We are part of a communist country, and because of the "one country, two systems", we insist on the implementation of the capitalist system. However, in what ways does the right to collective bargaining conflict with the capitalist system? Honestly, I really fail to see why there are conflicts. Looking around the civilized countries in the world, they are running the capitalist system, but they still have access to the right to collective bargaining. If there is no conflict with the so-called capitalist system, why are we unable to

respect the fundamental interests of workers? In particular, as I said just now, being part of a communist country, we may wish the Central Government to exert its influence to make our society more balanced and closer to a perfect society. In fact, it is not the case. President, it is where the paradox lies.

Before the reunification, we passed a law on the right to collective bargaining. However, the Provisional Legislative Council repealed this law without any hesitation or consultation. In addition, the Government is always on the side of the business sector which regards the right to collective bargaining as a scourge. President, I utterly do not understand this. You may also find it most paradoxical, President, as a barrister, I have risen to speak in favour of the labour sector's quest for the right to collective bargaining. Is it a bit out of tune? Hong Kong is such a place of contradiction and irony. It seems that our roles have been confused.

President, in fact, collective bargaining is a right. Moreover, the Government actually has a constitutional duty to enact relevant laws. President, I have already mentioned that the Right to Organize and Collective Bargaining Convention 1949 — International Labour Organization Convention No. 98 — has long been applied to Hong Kong since day one. President, when Hong Kong reunited with China, did the Basic Law stipulate that labour conventions signed or acceded to in the colonial era could be put into abeyance? President, it is not the case. Article 39 of the Basic Law specifies that international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region. In other words, the SAR Government has in fact a constitutional duty under the Basic Law to implement through legislation the right to collective bargaining to which wage earners are entitled under the Right to Organize and Collective Bargaining Convention. Why does the SAR Government turn a blind eye to its constitutional duty? Instead it stands behind the business sector, dismisses this right as detrimental and expresses an unwillingness to proceed with it. President, I utterly fail to understand this.

Even putting aside the consideration of constitutional, legal or political responsibility, in fact, the right to collective bargaining is beneficial to both employers and employees. First, to the employers, at least they could be told with whom they should negotiate. Honestly, in the majority of labour disputes in Hong Kong, bosses do not know with whom they should negotiate. Besides, they do not know who would accept the outcome agreed between both parties

after the negotiations. Either party could decline to honour its pledge. For the employers, is this the solution to the problem? Since at least you will know who your opponent is, problems could be resolved once and for all through negotiations without the need to negotiate with individual employees. Therefore, it is beneficial to the employers. Of course, it benefits the workers since they are the weak side in an unfair relationship.

President, there is a very important principle of justice, that is, equality of arms, meaning that both parties should have equal weapons. It is impossible for workers with bows and arrows to wage a war against employers with atomic bombs. President, in the absence of a collective bargaining mechanism, individual workers and even a trade union will be in a situation like soldiers with bows and arrows fighting with an army with tanks. They will not have any opportunity of holding equal arms to fight for a more reasonable remuneration.

One may ask: Will workers be in a most dominant position that they can fire their bosses after getting the right to collective bargaining? Absolutely not. Incidents of this kind have never happened before, right? Even in United Kingdom, there were many different political wrestlings behind the coalminers' strike back then, including the political wrestlings due to the fact that the British Labour Party wanted to come to power. Are such political wrestlings applicable in Hong Kong? President, I absolutely cannot see such a possibility. We do have a Labour Party here — sorry, I do not mean to offend you — which is still miles away from that. Even if it has elevated to a position similar to that of the British Labour Party, it is not necessarily undesirable. A city with two parties can deal with many problems easily. Frankly speaking, a place with a multi-party system is comparable to the labour sector without collective bargaining. When the Government wants to negotiate with you, it has to ring up each Member. President, today I have received a number of calls. I believe Honourable colleagues will also receive many calls in the next few days precisely because there is no collective bargaining. Thus, we are in such a situation. This is a waste of resources and a system leading to more and more internal attrition indeed.

Therefore, I hope that Honourable colleagues of the pro-establishment camp, especially representatives of the business sector, do not regard the right to collective bargaining as a scourge. You actually have the responsibility to give play to workers' rights into practice. Thank you, President.

MR JEFFREY LAM (in Cantonese): Two weeks ago, President, I proposed a motion calling on the Government to strengthen support for small and medium enterprises (SMEs) and maintain a business-friendly environment in Hong Kong. After many colleagues have spoken enthusiastically to express their ideas, the motion was eventually supported by colleagues and passed. This shows that Members are aware of the importance of economic development and Hong Kong's competitiveness. However, I do not think the motion proposed today to call on the Government to expeditiously enact legislation on the right to collective bargaining will help upgrade Hong Kong's competitiveness. What is more, this might even cause impact on the foundation of Hong Kong economy.

President, on the one hand, the China Urban Competitiveness Report unveiled by The Chinese Academy of Social Sciences reveals that the gap between Hong Kong's competitiveness and that of Mainland cities is narrowing and, on the other, the World Competitiveness Report published by the International Institute for Management Development in Lausanne shows that Hong Kong has fallen to third place from the top spot. As regards its rankings in certain breakdowns, Hong Kong is down from the fourth to the eight place in economic performance; down from the 18th to 21st in infrastructure; and down from the top spot to second place in government and corporate efficiency. The Report has also pointed out that Hong Kong faces the challenge of ensuring the sustainable development of its economy and stability of its property market.

President, these data reflect that, first, Hong Kong economy is easily susceptible to external influence. Therefore, Hong Kong needs to have long-term and comprehensive planning to promote the development of its various trades and industries. Furthermore, the implementation of government policies, such as minimum wage, competition law, and so on, before a consensus is reached in society has imposed more and more restrictions on SMEs, making their room of survival increasingly small. Second, in addition to incessant political disputes and intensifying social conflicts, there will definitely be opposition to the implementation of policies, whether on infrastructure or development of land, voiced for the very sake of it. Owing to the difficulty in bringing about reconciliation, discussion without decision, and decision without implementation, the progress of development of various infrastructure facilities has been slow.

There are some voices saying that employees cannot share the fruits of economic development because some enterprises are determined to maximize

their profits. In fact, 98% of the enterprises in Hong Kong are SMEs. Not only do they have no profit to make, but they also have to face the pressure of increases in the cost of raw material and wages. There are also some calls in society demanding standard working hours shortly after the calls on the Government to implement a minimum wage. Now, there are calls for collective bargaining. May I ask Members if there is any room for SMEs to catch some breath?

President, the vast majority of employers in Hong Kong are actually scrupulous employers who treat their employees well. After going through a lot of storms and enduring the difficult times with their employees, employers naturally want to get along with their employees harmoniously like family members for at least eight to 10 years.

Nevertheless, the call of trade unions for the Government to legislate on control for various labour policies will not only make enterprises less flexible, but also make labour relations even more tense. Doing so is not helpful at all to the development of enterprises. Moreover, the proactiveness of employees at work will be dealt a blow, too.

President, can collective bargaining enhance workers' right and wages? Advocates of collective bargaining will say that collective bargaining can help raise workers' wages and change the disadvantaged position of individual workers in negotiating wages with enterprises. Nevertheless, for the sake of collective interest, have we considered that the personal interest of employees will very often be sacrificed? From the angle of economics, collective bargaining may possibly help some people raise their wages. At the same time, however, it will bar more capable persons from seeking higher wages, and hard-working, competent and productive workers will thus be impacted. In fact, will people who are capable of seeking higher wages be willing to have their wages determined through consultation? Furthermore, if the outcome of market competition is altered by artificial external pressure, direct capital accumulation and regenerative efficiency will definitely be affected. Hence, enterprises will put less money in re-investment and their enthusiasm in re-investment will be curbed, too. Moreover, marginal productivity and wealth creation capacity will drop, too.

Some people have also pointed out that minimum wage, maximum working hours and collective bargaining are implemented in other countries and regions in a very satisfactory manner. But can we make sweeping

generalizations? For instance, the United Kingdom was plunged into debts in the 1980s as a result of welfarism. This led to the implementation of tough measures by Lady THATCHER after she had ascended to power. Although she was criticized by some people for dealing a blow to trade unions, the objective effect was that she saved the United Kingdom from the prevailing decline.

Just now, Mr Ronny TONG said that he was not worried that workers would quit their jobs after the enactment of legislation on the right to collective bargaining. But actually, it is very likely for employers to be forced to wind up their business or run into a wall. Has he considered all this?

Different countries and places have their unique economic environment and historical conditions. Hong Kong is a small and externally-oriented economy rather than a country. Are other countries as competitive as Hong Kong? Are their unemployment rates as low as that of Hong Kong? Do we have to keep up with the Joneses? Most importantly, we have to do things that are conducive to the development of Hong Kong. We do not have to keep up with the Joneses or catch up with the United States and surpass the United Kingdom. We should think about Hong Kong's future economy and do what is conducive to its development.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may now speak on the two amendments. The speaking time is five minutes.

(Ms Cyd HO stood up)

MS CYD HO (in Cantonese): President, I wish to speak.

PRESIDENT (in Cantonese): Members who wish to speak will please press the "Request to speak" button. Ms HO, please.

MS CYD HO (in Cantonese): I was worried that you could not see me if I pressed the button too late. President, during its last meeting held in the British Hong Kong era, the former Legislative Council passed some laws aimed at protecting the interest of the grassroots, including one concerning the right to collective bargaining. It must be admitted that it was too rush for Bills Committees to be formed for scrutiny, and only some discussions were held by in panels. It was regrettable.

Mr LEE Cheuk-yan was elected to the Legislative Council through a by-election held in early 1995 and formally elected to the Legislative Council later in the same year. As he had only 18 months to deal with the bill on the right to collective bargaining, that was all he could do. But at least, he had done something.

During the transition from the British Hong Kong colonial Government to the SAR Government, there was a law called the Reunification Law which sought to ensure a smooth transition of all the laws governing Hong Kong as a former colony to the SAR. As the establishment of the Provisional Legislative Council (PLC) was criticized by many, the PLC assured Hong Kong people that only indispensable laws would be dealt with. However, when the SAR was set up on 1 July, the collective bargaining law was immediately singled out by the PLC for suspension and then repeal in less than 10 days.

As Mr Ronny TONG said just now, the People's Republic of China is known to be practising socialism. After the reunification, the SAR even could not allow the continued existence of a labour protection law passed under the capitalist system. As a result, the law was singled out as an indispensable item to be repealed by the PLC. To the grassroots, it was indeed the first greatest disappointment. Since the repeal of this law, the Government has not done anything to deal with the right to collective bargaining again.

All Members representing leftist, central and rightist labour organizations in this Council have expressed support for the right to collective bargaining. However, as everyone knows, under Article 74 of the Basic Law, Members have

to clear many hurdles before they can introduce bills, and one of such hurdles is that the bill to be introduced must not be in conflict with government policies. Given that this law was picked for suspension immediately after the SAR Government was set up, how can Members clear these hurdles and introduce another bill? Hence, Members should not have supported "repealing the law" in the first place. Instead, they should retain the law and then compel the SAR Government to rectify flaws resulting from the hasty enactment.

The strike staged by container terminal workers precisely shows that a lose-lose situation will arise if there is no right to collective bargaining. I have talked to the workers and was told that workers suffering from work-related injuries had been denied the necessary treatment. In fact, many injured workers have told their contractors and superiors that an ambulance should be summoned by calling 999 should a worker sustain injuries. Nevertheless, these contractors and superiors will not do so. They would rather drive their own car or call a taxi to carry the injured worker to Princess Margaret Hospital. Why? Because they wish to avoid compensation for work-related injuries and labour laws. Have anyone mentioned these cases before? The answer is certainly yes. Many injured workers have actually done so. Of course, everyone would like to leave as soon as a Typhoon Signal No. 8 is hoisted without risking their lives to secure all the containers before they can go home. Certainly, no one would like to work at height for 11 hours without even the right to go to the toilet. Have anyone mentioned these cases before? The answer is certainly yes. Of course, some workers have relayed their concern to their employers before. But why can they not enjoy a 30-minute break after they have told their employers? Why do they have to be trapped inside the cranes for 11 hours even though this issue has been discussed for so long?

President, both individuals and labour unions, including leftist, central and rightist unions, have indicated their wish to organize the workers for discussions with employers. But why can it not be done? Because employers are reluctant to sit down and talk. Despite the attempts made by the FTU and the Hong Kong Confederation of Trade Unions to organize the workers, they are forced to go on strike as the last resort because employers are reluctant to sit down.

Workers going on strike will certainly lose because they will have no income for they are out of work. Their family members will become even more

worried. However, when they see such a deplorable working environment in the container terminals and find that the workers have to work around the clock but can only sleep on cardboards and take a rest in a place measuring only 200 sq ft or so like street-sleepers, they will render their support despite their concern about having no money for their meals.

Hence, President, the right to collective bargaining should have existed a long time ago. I would like to tell Members that the existence of the right to collective bargaining does not mean that workers will definitely win. In fact, workers who are willing to sit down at the conference table were already prepared to make compromises and some slight concessions a long time ago. Otherwise, they could go on strike and there was simply no need for negotiations. Workers could have gone on strike at the very beginning and demanded a certain rate of pay increase, such as a double-digit pay increase, or else they will definitely not resume work. But what is happening now? Subsequent to some insincere negotiations during the strike, workers have to settle for 9.8%, which is 0.2% less than the double-digit pay increase originally requested. The workers are really the losers.

In fact, negotiations are just a peaceful process during which all parties can sit down and really have the opportunities to voice their needs and demands. I hope employers in Hong Kong can refrain from dismissing one of the facts of the collective bargaining legislation initially proposed by Mr LEE Cheuk-yan, and that is, the legislation will simply not hurt SMEs. This must be clarified.

In fact, under that law, the right to collective bargaining was allowed in an enterprise only when it had 50 or more employees. If it had only 20 employees, only consultation would be allowed. Hence, it was a misunderstanding to say that SMEs would be undermined, as stated by some Members just now. I have to point out here that if Hong Kong's prosperity is attributed to the "bloody buns" made by workers, no one can eat them with peace of mind.

Thank you, President.

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

MISS ALICE MAK (in Cantonese): President, earlier on, many Members have rebuked or attacked the FTU in their speeches. But I am not going to do so. I know that in the fight for the right to collective bargaining, our opponent is the business sector and employers who claim labour rights will affect their profit-making. Having expressed all our opinions, we should continue to co-operate. Members from the labour sector and all popularly elected Members should put aside our differences and join hands to strive for the rights and interests of workers.

Hence, I have risen to speak because I wish to remind the business sector not to regard the right to collective bargaining a scourge merely at hearing it. They should not share the thinking arising from the misunderstanding of some people that with the right to collective bargaining, workers may go on strike every day, or that they may go on strike once they managed to gather a few dozens of workers, to demand a pay rise from their employers, which will bring endless troubles to employers and prevent them from doing business.

Members should agree, and the FTU agrees, that the business environment for small and medium enterprises (SMEs) is very bad now and it is very difficult to make a profit. However, should this be attributed to workers? Members should ask themselves honestly. Members are all people of Hong Kong, and for some of us, our children may be wage earners. Can Members ask themselves whether the difficulties they face in making profit are truly caused by workers? Is labour the key factor affecting the business environment in Hong Kong? The undesirable business environment in Hong Kong is caused by the monopolization by large consortia at present. The labour sector is also subject to the exploitation by these large consortia. We and SMEs are in the same boat. We all wish to share the fruits of economic prosperity.

I would like to respond to certain colleagues who keep saying that the right to collective bargaining will increase the cost of business operation. Members may know that the printing industry is declining in Hong Kong now, and many job types have moved to the north. Actually, the printing industry has been facing a difficult business environment since 1990s. However, the earliest trade union of the printing industry, the Hong Kong Printing Industry Workers Union, already signed an industrial agreement as early as the 1940s or 1947 with the Hong Kong Printers Association. The document I have at hand is the agreement they signed in 1991, a time when factories moved to the north and the printing

industry started to decline. Despite that, the industrial agreement reached at the time is more advanced than the present one. It is stated in the agreement that hours worked beyond the eight-hour workday are regarded as overtime work, and the first six hours of the overtime worked are each counted as 1.5 hours worked, and the hours of overtime worked beyond that are each counted as two hours worked. The agreement implies the concept of standard working hours, where compensation is provided for overtime worked. Was the business environment much better than it is now?

However, this tradition has been continued till today since 1947. They just signed the 2013 industrial agreement in 2012. It is stated in the agreement the number of holidays agreed, which is 14 days, and it is stated that the holidays will be taken with the consent of both parties. Therefore, no matter how unfavourable the business environment of a trade is, development in this area is possible if employers are willing to treasure their employees. Employees are not a factor preventing employers from making profit, for SMEs' profits are indeed affected by large consortia.

Hence, I hope that the Government will heed the remarks made by Secretary Matthew CHEUNG earlier. I seldom share his views, yet his point earlier about employers and employees being interdependent is true. The provision of the right to collective bargaining should not be interpreted as the start of daily disputes between employers and employees, for this will in actuality provide a platform for both parties to carry out discussions. Why can we not rely on the Labour Department (LD) to address these problems at present? Members say that a mechanism for labour co-ordination and a mechanism for conciliation have been put in place under the LD, yet the LD is inadequate in one aspect, for it is not conversant with the operation of the industries concerned. When problems arise in a certain industry, the LD may at best apply its well-practiced mediation technique to facilitate reconciliation of both parties, yet it cannot enable employees and employers in the industry to understand the needs of the other party.

For this reason, I earnestly hope that members in the business sector will stop thinking that the right to collective bargaining will prevent them from making profits. We demand the right to collective bargaining and the three-level system for collective bargaining proposed by the FTU, hoping these would provide a platform for employers and employees to have rational

exchanges on issues of common concern and to reach an agreement. As I said earlier, if a bilateral agreement could be signed between employers and employees in the printing industry at the most difficult time of the trade, why would labour rights in Hong Kong be backtracking when the economy of Hong Kong is thriving? We also hope that the Government will demonstrate some sincerity. Today, Secretary Matthew CHEUNG has stated repeatedly the interdependence of employers and employees, and the side having toiled should at least be able to earn a living. Therefore, I hope the Government will do something. The Government should support us in striving for the right to collective bargaining, so that we will no longer be criticized for merely paying lip service. Indeed, it is the Government who is paying lip service. Secretary Matthew CHEUNG speaks eloquently, yet I hope he will walk the talk.

With these remarks, President, I support the amendment by Mr TANG Ka-piu. Thank you.

MR WONG KWOK-KIN (in Cantonese): President, today's discussion is on the fight for the enactment of legislation on the right to collective bargaining. Why should there be the right to collective bargaining? For in a capitalistic society, the phenomenon of "strong capitalists and weak labour" prevails almost all the time. How often is labour seen to overpower capitalists? It is only seen in extremely exceptional circumstances. Hence, for the purpose of upholding fairness and justice, terms of employment and remuneration of employees cannot be left to the free market to adjust or decide. For this reason, we have to strive for the right to collective bargaining to modify labour relations, so that affairs involving employers and employees, such as working environment, remuneration and terms of employment, will be decided with mutual consent in an equitable manner.

Since we are striving for the right to collective bargaining against the background of "strong capitalists and weak labour", the power of trade unions is weak indeed. If we divide and fail to foster solidarity in the fight, but yield to finger-pointing and mutual attacks, the successful pursuit of the right to collective bargaining will be nowhere in sight, and we will never be able to attain this goal. Therefore, I think Ms Cyd HO's remark is very good, that is, Members from trade unions, be they neutral, leftist or rightist, should join hands in the fight. We

should pull ourselves together to strive for the achievement of this target, so that legislation on the right to collective bargaining will be enacted as soon as possible.

However, having heard the series of attacks launched by Mr WONG Yuk-man against the FTU in his earlier speech, I cannot help making a response. Mr WONG Yuk-man criticized us for agreeing with the Government's proposal on the implementation of the Wage Protection Movement in the course of striving for minimum wage. However, he fell short of mentioning the point that the fight for minimum wage was initiated by Miss CHAN Yuen-han of the FTU. To date, when the minimum wage has been implemented and when the level has been raised from \$28 to \$30, he levelled the charge at us for agreeing with the Government in the implementation of the Wage Protection Movement. Is it fair?

Second, concerning the dual-track approach for the transport subsidy for low-income earners, he said that we agreed with the Government for implementing the single-track approach first. However, I would like to remind Mr WONG Yuk-man that the dual-track approach has already been put in place now. Why? At this very point, I have to return to the term "the right to collective bargaining", which essence is bargaining. What is bargaining? Bargaining means mutual concession, which involves a process of compromises. At the beginning, the two parties may be far apart, but with mutual understanding and mutual accommodation, they can gradually come to terms.

The fight for minimum wage and the fight for a dual-track approach for the transport subsidy for low-income earners are precisely a process of compromises, where the targets we strive for are eventually attained. If Mr WONG Yuk-man's approach is adopted, it is not bargaining. Bargaining must result in compromises. What Mr WONG Yuk-man advocates is the rule of survival of the fittest in jungle but not collective bargaining, where there is no middle ground but either live or dead. Had we not agreed with the Wage Protection Movement back then, would we have successfully striven for the implementation of minimum wage? Had we opposed adopting the household-basis approach for the transport subsidy and voted down the proposal back then, the issue of transport subsidy would have been delayed for several months, which would cause low-income earners to suffer losses.

Hence, in this fight for the right to collective bargaining today, we should first understand the meaning of the right to collective bargaining, which is bargaining. Bargaining means the striving for a target acceptable to both parties, which is carried out on an equitable platform through mutual understanding and accommodation. The refusal to make concession or compromise, and the rebuke and attack of others making the compromise, are not the spirit of collective bargaining.

Therefore, in this fight for the enactment of legislation on the right to collective bargaining today, I would like to remind certain radical Members that for any persons supporting and striving for the implementation of the right to collective bargaining, they should first understand that the meaning of bargaining lies in mutual understanding, mutual accommodation and compromise. Thank you, President.

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

MR ABRAHAM SHEK: President, the remarks made by some of my Honourable colleagues just now have left me almost dumbfounded. They point the fingers at the "hegemony" of large corporations and the rich and wealthy, as if all employers and capitalists were blood suckers. If the premise of capitalism is the subject of disapproval, then, on what basis can the rights and interests of workers be safeguarded? If the greed of employers and capitalists is the root of all evil, as these Honourable Members appear to believe, why do they not simply speak out frankly against capitalism itself? Everybody knows why they do not. The blatant truth is that without capitalism, investment dwindles, and job cuts follow. It is the workers who will suffer immediately, and the economy and the whole of society will pay dearly in the long run.

Union is not a bad institution itself. But powerful unions and forced collective bargaining legislation do not provide bread and butter. There is an argument that with collective bargaining legislation underpinned by unions, workers could earn higher wages and hence be better off. Yes, collective bargaining can improve wage outcomes as revealed by the International Labour Organization (ILO). In reality, however, this is not a simple linear equation. It fails to show how pay rises resulting from interventions by collective bargaining

can distort market prices and cause market failure. The American Economist Barry HIRSCH found that between 1973 and 2006, the number of unionized workers in the United States manufacturing sector fell by 6 million, while the number of non-union employees rose by 1.5 million. The fact is that unionized companies could not compete with non-unionized companies in the market.

This sheds light on Hong Kong's situation. There are about 300 000 small and medium enterprises (SMEs) in Hong Kong. They account for over 98% of the total business units and provide jobs for over 1.2 million people, about 47% of total employment. Would a collective bargaining law have an adverse impact on our SME-based economy where outsourcing is so prevalent? We are putting 1.2 million employees and our economy at stake if we endorse it without detailed scrutiny. The winding-up of Global Stevedores (Global Stevedoring Service Company Limited), a contractor for dock services, during the dockworkers strike, is a warning sign.

President, during the recent dock-workers strike, we saw different unions speak ill of each other, even among Members in this Council. Workers' interests became the tool of their discord. We saw workers who refused to join the strike being disparaged. Although the strike was ultimately resolved, intra-worker relationships have been somewhat undermined. I do not see how a collective bargaining law could make things better; on the contrary, it is likely to intensify infighting between unions and workers whose views are divided as different unions will scramble for workers' support and seek their authorization and mandate. This would make the situation even more complicated.

President, Hong Kong is not short of protection of labour rights. The right and freedom to form and join trade unions and to strike is protected by Article 27 of the Basic Law. There is an obsession among some that legislation is a panacea for everything. From the minimum wage law to the clamour to enact standard-working-hours legislation, to the Honourable LEE Cheuk-yan's call today for legalizing the right to collective bargaining, it seems that calling for legislation has become a knee-jerk reaction to all sorts of employment and workplace conflicts. Employment relationships should not and cannot be built by force, fear or by legislation, but by mutual respect and understanding.

President, people like to draw from overseas' experience. In the United Kingdom, there is no legal requirement for employers to negotiate with unions. Collective agreements are promoted as voluntary instruments; the coverage rate

of collective agreements there is around 30% per annum. As the coverage rate is below 1% in Hong Kong, we are in line with the tradition of voluntary negotiation.

In fact, with the absence of collective bargaining, voluntary collective negotiation has been in practice in Hong Kong for many many years. A typical case in point is the construction industry, the sector that I represent. While the unemployment rate of construction workers surged to 12.8% in early 2009 following the financial tsunami, with the improvement in the industry's employment subsequent to increased public investment in capital works projects, the momentum was regained, and employers in the sector are willing to share the fruits of the industry's prosperity. In 2010, the Hong Kong Construction Association and the Hong Kong Construction Industry Employees General Union agreed to raise the wages of construction workers in various trades. This was done even before the minimum wage law came into effect. Today, the bar benders are getting over \$1,700 a day. I think this is what is called voluntary negotiation and a reflection of market environment between workers and employers.

Obviously, the fundamental factors that determine wages and working conditions are economic ones, subject to demand and supply, as well as the ups and downs of respective sectors (*The buzzer sounded*) and the overall economic trend.

PRESIDENT (in Cantonese): Mr Abraham SHEK, your speaking time is up.

MR ABRAHAM SHEK: Thank you.

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

MISS CHAN YUEN-HAN (in Cantonese): President, I have been listening to colleagues all along. I am not quite in the mood to speak, for I notice in this capitalistic society of Hong Kong, whenever the subject concerning the right to collective bargaining is discussed, the business sector and the Government will

adopt the same attitude they adopt today. This makes me angry. I wonder if the Government is pressing us to launch more radical and larger campaigns, and whether it is driving us into a corner with no alternative. Take minimum wage as an example, which was mentioned by some colleagues earlier. In every Chief Executive Election, we would press the candidates, including the former Chief Executive, to accept this request of the labour sector. During the former term of his office, during his designate period, and during his running for re-election, we had exerted pressure on him. At a later stage, we pressurized him further by telling him that if he delayed further in implementing minimum wage, we would ask all the 500 000 to 600 000 workers in Hong Kong to apply for Comprehensive Social Security Assistance, which would be paid by taxpayers. Finally, he adopted this opinion of ours as the justification for implementing minimum wage.

As mentioned in earlier speeches made by certain groupings, we may come from different backgrounds, belonging to labour organizations of the neutral, leftist or rightist political camps, yet if we can be united, we may hold discussions on many issues as we did back then in the discussion on standard working hours. As in the case of the Minimum Wage Commission Honestly, do you think the labour sector is willing to accept the minimum wage of \$30? If we were asked again about this, we would not have accepted it for sure. However, as Mr WONG Kwok-kin said, during the negotiation, we were forced to accept something reluctantly. Do you think we are very willing to accept this wage rate? When it comes to issues like this, more often than not, we think it does not matter whether or not we agree with the strategies proposed, for it is most important that we can come to terms and pull ourselves together. I think this is a very important point.

President, you and I are members of the "class of 1997". Not many Members in this Council are members of that class. Mr LEE Cheuk-yan and Mr James TIEN are alumni members. I have mentioned this to bring forth the point that we members of the "class of 1997" are still facing the labour rights problem now in the legislature. We still have to discuss with the Government with peace and patience. Honestly, I am beginning to lose heart. I wonder why Secretary Matthew CHEUNG would dare to say earlier that "workers count on the boss for food; the boss relies on the workers' toil". It is nonsense. He may as well go to the streets to tell workers of this remark and ask whether the workers agree with

him. I can build a stage for him, so that he can stand up there to make his remark. I believe he will surely be encircled by numerous workers.

I am not trying to instigate anyone. I recall that in 1997, the economy of Hong Kong was stricken by the financial crisis. All of a sudden, workers could hardly find any jobs. In a dramatic turn of events, the prolonged situation of "employers seeking employees" had changed to "employees seeking employers". Members from the industrial and business sectors in the legislature then said to me, "CHAN Yuen-han, you eventually know that you have to seek our assistance." Back then, the Government outsourced the jobs of Ward Aide in hospitals, and the management of all hospitals simply said, "Would you do these jobs? Many people want to take the job. If you consider the wages too low, you may quit." Secretary, I heard this myself. Are you living in reality? If you continue to hold this attitude, how can you be the Secretary for Labour and Welfare? You simply fail to focus on the prevailing problem.

Honestly, if the industrial and business sectors consider that anti-business and industrial sentiment is rising in society, they should first blame the Government, for it is the Government have all of them left the Chamber? No Member from the industrial and business sectors is in the Chamber. If they act according to Matthew CHEUNG, it will cause greater harms to Hong Kong You are here, I will talk about the responsibility you have to bear later, sorry about that If we follow what he said, frankly, our life will become increasingly hard. I really think that it is somewhat crazy. I would like to point out that if we have bargaining power at the conference table, we do not necessarily have to be so nervous and angry, and we do not have to bear so much pressure. Despite all that, we will persevere.

President, you and I are members of that class, and I think you share my views at heart. Sometimes, Matthew CHEUNG of the SAR Government is indeed pretending to be blind, for he often tells us that consensus has to be fostered. So, sorry, I cannot support the amendment by Mr Christopher CHUNG, for his amendment follows the line of thought of Matthew CHEUNG, which we oppose. What are we going to seek consensus on and what are we going to negotiate? There is no platform for doing so at present. Do Members think that this can be easily achieved? Sometimes, I doubt if I am going overboard to criticize Matthew CHEUNG harshly and I wonder if he is really

blind. But why has the Government as a whole basically been tilted to the industrial and business sectors? When it is required to strike a balance in certain conflicts, it is simply blind to the plight faced by the labour sector.

Moreover, I would like to make one more point — Mr Jeffrey LAM, I see you have been smiling at me, I do not want to go on, but I will talk about it anyway. The business sector says that minimum wage, standard working hours and collective bargaining have pressed them so hard and left them with no room for respite. However, they should consider this from another perspective, for our request for the provision of compensation for overtime work to grass-roots workers will only cost a small amount of money. Given the long working hours now, will Members consider it inappropriate to request compensation for overtime worked? It is definitely not. Before 1997, all workers were entitled to compensation for overtime worked.

I have to emphasize to Members once again that to date, workers still face many injustices — as I said earlier, the business sector had said to me, "CHAN Yuen-han, you eventually know that you have to seek our assistance", and the management often says to employees, "Are you going to do this job? If not, many people will be eager to take it." So, against this background, if the Government does not want the business sector to be subject to extensive criticism or pressure, it should perform its role properly. As Mr WONG Kwok-kin said, in the earlier time, that is, early last century, participation in collective bargaining was criticized as taking part in yellow union. Back then, the labour sector had been drawn into heated disputes over the issue — it was certainly not the labour sector of our generation but that of a number of generations ago. So, in view of these circumstances, I urge the Government to play its gate-keeping role properly, otherwise, the industrial and business sectors will blame the Government but not us when they are displeased.

Moreover, I would like to bring forth a question for people across all strata and political parties to consider. Members have been talking about "negotiations between employers and employees", but are negotiations possible in reality? Given the "strong employers" and "weak employees" setting, please tell me in which areas negotiations are open. The case of dock workers is no exception. Please tell me how negotiations can be carried out. When it comes to the point about the lack of trust between employers and employees, in what ways do employees not trust their employers? We are in the same boat, employees and

employers are in the same boat. The present problem is employers do not trust us and treat us as thieves. Mr Christopher CHUNG, regarding the remarks you made to the representatives of the industrial and business sectors present today, do you think they are practicable? I do not mean to criticize you, for you are still young and you have never been a worker. I suggest you try to be a worker later to experience their plights. For these reasons, we disagree with the amendment you proposed today.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may now speak on the two amendments. The speaking time limit is five minutes.

MR LEE CHEUK-YAN (in Cantonese): President, the Labour Party opposes the two amendments. Why do we oppose them? The amendment of the FTU seeks to delete an extremely important sentence from the original motion, that is, "the International Labour Organization (ILO) ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention", as well as another sentence, that is "ILO's recommendation; this Council expresses deep regret in this regard". In other words, the amendment deletes the point expressing the deep regret of this Council on the repeal of the law and the failure to implement the recommendation of the ILO.

What is the recommendation of the ILO about? It states that the SAR Government should enact legislation to require employers to recognize trade unions. What is the purpose of the amendment in deleting these two sentences? Is it adopting the same practice of the Communist Party of China in handling the 4 June Incident, where a "doo" sound is used to substitute the word "4" at every mention of the incident? Does it mean that a "doo" sound will be used as

substitute whenever the repeal of the law is mentioned? Does the FTU consider it necessary to do so?

Miss CHAN Yuen-han mentioned the "class of 1997" just now. Her reference to it made me angry, exasperated and upset. In 1997, the law was enacted. The law had been brought into existence, but it was repealed in the same year. Mr TANG Ka-piu said earlier that the legislation had not been scrutinized by a Bills Committee. But back then, I only had one and a half year to draft the legislation of such great length, and then I had told CHENG Yiu-tong that he might tell me if he had any proposal, but he had not told me any. What had the FTU done at the time? At that time, they opposed the legislation proposed by us. In the voting on the motion for "freezing the law", they voted for the motion, but when it came to the voting on repealing the law, they abstained. Why did they abstain? They knew full well that the law would be repealed. Actually, Members would have noticed that legislation on the subject would have a chance to be passed only during the era of the "class of 1997", where Members were allowed to put forth private Members' Bills at the time, for Members could no longer do so after that. For this reason, I feel it heart-rending when the Member mentioned the "class of 1997" just now.

Another point that I would like to discuss is the three-level system for collective bargaining proposed to be set up in Mr TANG Ka-piu's amendment. My original proposal is better than this three-level system, for it includes N levels. In my original motion, I propose setting up bargaining units, which can be units at the central, enterprises and trade levels. As in the case of HIT, contractors and the principal contractor are required to meet and have discussions, which is an arrangement transcending the enterprise level. For this reason, the setting up of bargaining units will be more desirable.

Another proposal put forth in his amendment is that collective agreements reached must have legal effect. We surely support that such agreements should have legal effect. However, apart from the legal effect, it is the intent of the original proposal to provide room for employers and employees to discuss what provisions in the agreement should be excluded from statutory regulation. This is the room for collective bargaining which we hope to retain. As for other aspects Actually, the original motion as a whole seeks to explain clearly that

the legislation formulated must require employers to be sincere in bargaining, to recognize the representativeness of trade unions in participating in collective bargaining and to implement remedial measures.

As for the amendment proposed by Mr Christopher CHUNG, it is really outrageous. First, he seemed to have copied in full the rebuke launched against me and the Confederation of Trade Unions in *Wen Wei Po* and *Ta Kung Pao* in his earlier speech. I do not intend to waste time responding to such remarks. However, I consider the proposals he put forth in the amendment concerning conducting studies and consultation, and waiting for consensus, and so on, are delaying tactics. The DAB is practically insincere in helping workers to strike the balance. But since the FTU has already given them a good dressing-down, I will speak on another point. If they allow the case to drag on, they will ruin the workers, allowing workers to continue to be exploited by employers.

Since they cited overseas cases as examples earlier, I will also quote Australia as an example. The company in question is also under Hutchison Whampoa and LI Ka-shing is also the employer. But since workers in Australia have the right to collective bargaining, they are required to work 35 hours, whereas workers in Hong Kong have to work 70 to 80 hours. Workers in Australia are earning a salary of \$60,000 to \$70,000, but workers in Hong Kong are earning about \$15,000 to \$20,000. What a big difference. The working hours of workers in Australia is only half of that of workers in Hong Kong, yet they are earning double or triple of that of Hong Kong workers. The workers in the two places are indeed employees of the same company, and the only difference is that workers in Australia have the right to collective bargaining. Certainly, they are direct employees of the company whereas workers in Hong Kong are employees of contractors.

As they quoted the examples overseas earlier, we should also look at the example in Australia. The workers of the two places belong to the same company, but why would workers in Hong Kong be left in a particularly miserable state? A major capitalist will respect the right to collective bargaining adopted overseas, but in Hong Kong he exploits the workers. He simply turns a blind eye to the predicament of workers, insists on exploiting them and denies them the right to collective bargaining. Why is this double-standard approach adopted? The companies of LI Ka-shing in the Mainland give workers the right

to collective bargaining, so he will engage bargaining as required. For this reason, there should be no more delay, but the DAB tries to delay us in achieving this. We urge the authorities to enact legislation on the right to collective bargaining expeditiously.

Thank you, President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank the 26 Members for their speeches.

Like many Members, I am very much concerned about labour rights and I also hope to enhance the protection for workers. As I said in my opening remarks, under the International Labour Convention No. 98, it is the duty of the government to take measures appropriate to the local conditions, in order to encourage and promote voluntary negotiation between employers and employees and their organizations. We have made a lot of efforts in this respect. We have, in the light of the actual situation in Hong Kong, encouraged employers and employees to conduct, on their own initiative and on a voluntary basis, discussions on matters of mutual concern such as the terms of employment, and we have made certain progress over the years. Many industries and enterprises have followed this practice and certain achievements have been made indeed. For example, in the construction industry, air freight industry, public bus sector and even the pig slaughtering industry, lift repair and maintenance services sector, cleaning industry, security service industry, property management industry, tourism industry, printing industry, and so on, collective bargaining has been conducted to resolve disputes and joint efforts have been made to provide better terms of employment to employees and create a stable business environment for enterprises. From these examples of positive interaction between employers and employees in conducting discussions and negotiations on their own initiative and on the principle of mutual understanding, we can see that voluntary negotiation is the key to building and maintaining good labour relations.

In response to Mr TANG Ka-piu's amendment, we have proactively encouraged and promoted the development of a mechanism for voluntary negotiation and effective communication between employers/employers' organizations and employees' organizations at the central, trade and enterprise levels.

At the central level, the Labour Advisory Board (LAB), which comprises government representatives and equal numbers of employee and employer representatives, is tasked to forge consensus through negotiations on major labour policies and legislation and give advice to the Government. All major policies and labour measures must be discussed by the LAB before their introduction and they are tabled before the Legislative Council only after a consensus is reached. Over the years, employer and employee representatives have played their respective roles, expressing opinions on behalf of their sectors and making certain achievements in furtherance of the labour policies.

At the trade level, the Labour Department (LD) has set up industry tripartite groups for various industries to promote dialogues and co-operation at the trade level. These industry tripartite groups are comprised of representatives of employees' unions, employers and employers' organizations. With the facilitation of the LD, these tripartite groups provide an effective channel through which employers and employees can discuss issues of concern relating to labour relations and employment matters in the relevant industry. To cite some obvious examples, at the trade level, before the statutory minimum wage took effect, the industry-specific guidelines on the statutory minimum wage were formally introduced for reference by the industries only after repeated discussions and negotiations by the industry tripartite groups. Besides, at the enterprise level, the LD has set up 18 Human Resource Managers' Clubs to arrange experience sharing sessions and briefings for members on a regular basis, with a view to promoting good personnel management measures and effective communication between employers and employees.

According to the international trend that we have noticed and as the ILO stated its report in 2008, apart from Europe, the collective bargaining coverage is actually not great in many countries worldwide and that in the Asian region is often less than 5%. According to some surveys conducted on the basis of the statistics of the Organization for Economic Co-operation and Development, in some countries with more rapid economic development, such as the United States and the United Kingdom, their collective bargaining coverage has persistently dropped since the 1980s. In view of these trends, I think we must be very careful in considering the question of collective bargaining in great detail.

From the history and experiences of foreign countries, we can see that the history of collective bargaining can be traced to its applicability mainly in those

comparatively more labour-intensive industries with uniform skill requirements and lower mobility of workers, such as the coal mining industry, shipbuilding industry, heavy industries and cotton weaving industry. Nowadays, in places with a more sophisticated economic structure, there is a greater discrepancy in the productivity of employees and so, the past practices of providing uniform welfare benefits or a standard wage level may not necessarily be suitable. In this connection, in promoting collective bargaining in industries or enterprises, we strongly believe that collective bargaining must be conducted in line with the local situation of Hong Kong.

As we all know, 98% of the enterprises (or about 300 000 enterprises) in Hong Kong are small and medium enterprises (SMEs), and enterprises with 20 employees account for close to 95% of the total number of enterprises. Under such circumstances, how can collective bargaining be conducted in accordance with the law and how can it produce any effect? If the legislation targets enterprises which are too small in scale, will the operation of the SMEs be put under certain pressure in their operation? In times of an economic downturn, will these regulations adversely affect the competitiveness of the Hong Kong economy and the flexibility of enterprises in operation? I have raised these questions in the hope that Members can consider this issue objectively. On the question of whether legislation should be enacted on the right to collective bargaining, we cannot detach from the actual situation in Hong Kong in our discussion.

Currently, employers and employees conduct direct negotiations on a voluntary basis with mediation from the LD where necessary to facilitate dialogues between the relevant parties in an effort to resolve problems. This approach has all along been proven. The number of labour disputes has consistently remained stable and labour relations are generally amicable.

I do appreciate the concerns in society about the labour dispute at the Hongkong International Terminals recently. I wish to point out that all along, there has not been a high incidence of large-scale labour disputes in Hong Kong. It is more often the case that employers and employees will settle their disputes through negotiations. In the past three years, the number of working days lost due to work stoppages was only 0.14 day on average per 1 000 salaried employees, which is among the lowest in the world and far lower than many countries where legislation is enacted on the right to collective bargaining. We believe employers and employees are long-term partners, and their discussion and

negotiation on the basis of mutual understanding is the key to building and maintaining good labour relations.

Being an externally-oriented economy in an economically globalized environment, Hong Kong enterprises are constantly facing competition from countries all over the world. We very much cherish our business environment which ranks among the top in the world, and with the competitive edges of the Hong Kong economy, we have consistently maintained the ability to create jobs and the situation of employment in the labour market has been promising.

However, we have not neglected the importance of the protection of employees' rights and benefits. While making an effort to improve various labour legislation step by step, we endeavour to provide appropriate protection and welfare for employees while enabling employers and employees to work out, on the basis of more comprehensive rights for employees, various employment benefits and the level of wages according to the unique situation of their industries or enterprises individually. It is through this approach that Hong Kong can continuously strike a reasonable balance between protecting labour rights and benefits and maintaining flexibility and competitiveness of enterprises.

We consider that under the current circumstances in Hong Kong, the promotion of collective bargaining of a voluntary nature remains the most suitable approach. The enactment of legislation on the right to collective bargaining is not a solution to all disputes between employers and employees. Even if the workers can make the employers come to the negotiation table, but if both sides are not truly sincere and fail to make the opposite side accept their views, we think that their negotiations may not necessarily come to fruition. We consider that any negotiation or bargaining will be successful and meaningful only when it is conducted on a voluntary basis. Enacting legislation on the right to collective bargaining can only make provisions on the format and rules of negotiation. It cannot guarantee that an agreement acceptable to both sides can be reached, and it may not be helpful to building amicable labour relations. If labour relations would hence become more confrontational and inflexible, that may not be what we would wish to see.

In its publication entitled "Giving globalization a human face" for the 101st session of the International Labour Conference last year, the International Labour Organization clearly reiterated the two essential elements in Article 4 of

No. 98 of the Convention, which include action by the public authorities to promote collective bargaining, and the voluntary nature of negotiation and autonomy of the parties. The SAR Government is precisely taking actions in the same direction by adopting measures appropriate to the actual situation in Hong Kong to promote collective bargaining on the principle of voluntary negotiation and autonomy.

To conclude, President, we consider that the most effective way to resolve labour disputes is to continuously promote collective bargaining of a voluntary nature while ensuring protection of employees' right to join trade unions and encouraging rational communication and negotiation between employers and employees with mutual understanding and accommodation. This is also the way to strike a reasonable balance between protecting employees' rights and benefits and maintaining the flexibility and competitiveness of enterprises.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): Mr TANG Ka-piu, you may now move your amendment to the motion.

MR TANG KA-PIU (in Cantonese): President, I move that Mr LEE Cheuk-yan's motion be amended.

Mr TANG Ka-piu moved the following amendment: (Translation)

"To delete "the International Labour Organization ('ILO') ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended" after "That" and substitute with "facing the present situation of 'strong capitalists and weak workers' in Hong Kong, workers lack bargaining power, and Hong Kong's various trade unions have all along striven to legislate for workers' right to collective bargaining over the years, recommending"; to delete "ILO's recommendation; this Council expresses deep regret in this regard, and" after "yet to implement" and substitute with "the relevant recommendations; in this connection, this Council"; to

add "(1) to formulate a system for the right to collective bargaining on the central, trade and enterprise levels to ensure that both employees and employers enjoy an equal bargaining status;" after "must include:"; to delete the original "(1)" and substitute with "(2)"; to delete the original "(2)" and substitute with "(3)"; to delete the original "(3)" and substitute with "(4)"; to delete "to clarify the legal effect of" before "collective agreements"; to add "must have legal effect" after "between employees and employers"; and to delete the original "(4)" and substitute with "(5)."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr TANG Ka-piu to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ir Dr LO Wai-kwok rose to claim a division.

PRESIDENT (in Cantonese): Ir Dr LO Wai-kwok has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

Miss CHAN Yuen-han, Mr KWOK Wai-keung, Mr POON Siu-ping and Mr TANG Ka-piu voted for the amendment.

Mr Albert HO, Mr Abraham SHEK, Mr Frederick FUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHAN Kin-por, Mr CHEUNG Kwok-che, Mr NG Leung-sing, Mr Frankie YICK, Mr YIU Si-wing, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Christopher CHEUNG, Mr IP Kin-yuen, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the amendment.

Mr WONG Ting-kwong, Ms Starry LEE, Mr IP Kwok-him, Mr Steven HO and Mr MA Fung-kwok abstained.

Geographical Constituencies:

Mr WONG Kwok-hing, Mr WONG Kwok-kin and Miss Alice MAK voted for the amendment.

Mr LEE Cheuk-yan, Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Dr Priscilla LEUNG, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Ms Claudia MO, Mr Michael TIEN, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Dr Fernando CHEUNG and Dr Helena WONG voted against the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Mr Paul TSE, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, four were in favour of the amendment, 19 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, three were in favour of the amendment, 16 against it and eight abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MR ANDREW LEUNG (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Enacting legislation on the right to collective bargaining" or any amendment thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Enacting legislation on the right to collective bargaining "or any amendment thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr Christopher CHUNG, you may move your amendment.

MR CHRISTOPHER CHUNG (in Cantonese): President, I move that Mr LEE Cheuk-yan's motion be amended.

Mr Christopher CHUNG moved the following amendment: (Translation)

"To delete "the International Labour Organization ('ILO') ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended that the Government formulate legal provisions to put in place objective procedures for determining the representative status of trade unions for collective bargaining purposes, but the Administration has yet to implement ILO's recommendation; this Council expresses deep regret in this regard, and" after "That" and substitute with "this Council"; to delete "legislate to affirm workers" after "Government to expeditiously" and substitute with "conduct detailed studies and extensive consultation on the issue of the"; and to delete "; the relevant legislation must include: (1) to lay down objective criteria and procedures for determining bargaining units and the bargaining status of trade unions; (2) to require employees and employers to negotiate in good faith the employment terms and conditions as well as other issues involving labour relations; (3) to clarify the legal effect of collective agreements reached between employees and employers; and (4) to formulate remedial measures for contravention of

collective bargaining requirements and collective agreement terms" immediately before the full stop and substitute with ", and, after obtaining a consensus in society, establish step by step a collective bargaining system suitable for Hong Kong's social environment"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Christopher CHUNG to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

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

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

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

Functional Constituencies:

Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO and Mr Tony TSE voted for the amendment.

Mr Albert HO, Mr Abraham SHEK, Mr Frederick FUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Kwok-che, Mr Frankie YICK, Mr YIU Si-wing, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr IP Kin-yuen, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok and Mr CHUNG Kwok-pan voted against the amendment.

Mr MA Fung-kwok abstained.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG voted for the amendment.

Mr LEE Cheuk-yan, Ms Emily LAU, Mr WONG Kwok-hing, Mr Ronny TONG, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Ms Claudia MO, Mr Michael TIEN, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Miss Alice MAK, Dr Fernando CHEUNG and Dr Helena WONG voted against the amendment.

Mr Paul TSE abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, seven were in favour of the amendment, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, seven were in favour of the amendment, 19 against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you have 55 seconds for your reply.

MR LEE CHEUK-YAN (in Cantonese): President, with regard to what many functional constituency Members (especially Members from the business sector) said in their speeches earlier in opposition to the right to collective bargaining, I do not intend to waste time refuting them. It is because their consideration is made not from the overall interest of society but from the interest of the business sector or a minority of people. They often mention small and medium enterprises (SMEs) but the fact is that the SMEs are subject to exploitation by major consortia and their situation is just the same as that of workers. But I am not going to dwell on this point either. However, there is one point that I wish to make. Some Members always say that the dock-workers strike has resulted in a "lose-lose" situation. I would like to tell Members that workers who went on a strike were supposedly set to lose as they lived from hand to mouth but fortunately, we eventually won with the help of the public. The public had made donations totalling \$8.9 million and this provided certain protection for the workers in their living. So, it was with the help of the public that we turned out to have won eventually. Most importantly, what have the workers won? Their prize is that they can go to the washroom and take a meal now, and they can choose not to work for 48 hours, and what is more, discussions have started on installing air-conditioners in the rest room for workers. Therefore, the workers have actually won, and I hope that Members will support our motion on the right to collective bargaining. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEE Cheuk-yan be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Christopher CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Christopher CHEUNG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Albert HO, Mr Frederick FUNG, Dr Joseph LEE, Mr CHEUNG Kwok-che, Mr Charles Peter MOK, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Mr KWOK Wai-keung, Mr IP Kin-yuen, Mr POON Siu-ping and Mr TANG Ka-piu voted for the motion.

Mr Abraham SHEK, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHAN Kin-por, Mr NG Leung-sing, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the motion.

Mr WONG Ting-kwong, Ms Starry LEE, Mr IP Kwok-him, Mr Steven HO and Mr MA Fung-kwok abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Ms Emily LAU, Mr WONG Kwok-hing, Mr Ronny TONG, Ms Cyd HO, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Miss Alice MAK, Dr Fernando CHEUNG and Dr Helena WONG voted for the motion.

Dr Priscilla LEUNG and Mr Michael TIEN voted against the motion.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHAN Hak-kan, Mr Paul TSE, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT and Mr Christopher CHUNG abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, 11 were in favour of the motion, 12 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 17 were in favour of the motion, two against it and eight abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negated.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until 2.30 pm tomorrow.

Suspended accordingly at eighteen minutes past Ten o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Education to Ms Starry LEE's supplementary question to Question 4**

As regards the statistical figures on the number of Band 1 aided secondary schools having turned Direct Subsidy Scheme schools and the decrease in the total number of Band 1 secondary schools as from the implementation of the Education Reform, the allocation band of a student is to determine the order of allocation for a Secondary One place in the Central Allocation Stage but not to rank the secondary schools. There is no banding for secondary schools. Thus, the Education Bureau does not have the Band 1 secondary school category or any figures in such connection.

Appendix II

WRITTEN ANSWER

Written answer by the Chief Secretary for Administration to Mr IP Kwok-him's supplementary question to Question 5

As regards maternity allowance and birth grants provided by Organization for Economic Co-operation and Development (OECD) countries (as of 2010), the supplementary information is as follows:

OECD countries which provide maternity allowance and birth grants, 2010

<i>Countries</i>	<i>Allowance</i>			<i>Grant</i>		
	<i>Allowance</i>	<i>Eligibility</i>	<i>Details</i>	<i>Grant</i>	<i>Eligibility</i>	<i>Details</i>
Australia	No			Yes	Mean-tested "baby bonus"; paid for about 95% of births and adoptions	AUD 5,294 paid in 13 fortnightly instalments
Belgium	No			Yes	Birth grant	EUR 1,129.95 is paid for the first birth (or per child for multiple births); EUR 850.15 for the second and each subsequent birth EUR 1,129.95 is paid for each child adopted
Czech Republic	No			Yes	The family must reside permanently in the Czech Republic	A lump sum of CZK 13,000 is paid per child
Denmark	No			Yes	Paid for multiple births	DKK 8,024 a month is paid for the second and each subsequent child. The grant is paid quarterly until the children are age 7. A lump sum of DKK 46,214 is paid.

WRITTEN ANSWER — *Continued*

<i>Countries</i>	<i>Allowance</i>			<i>Grant</i>		
	<i>Allowance</i>	<i>Eligibility</i>	<i>Details</i>	<i>Grant</i>	<i>Eligibility</i>	<i>Details</i>
Finland	No			Yes	Paid to a pregnant woman who has undergone necessary medical examinations and whose pregnancy lasts for at least 154 days. The grant is also paid for the adoption of a child younger than age 18. The grant is increased for multiple births or adoptions.	The mother can choose to receive clothing and other necessities (layette) for the newborn or a cash benefit of EUR 140. Adoption grant: A lump sum of between EUR 1,900 and EUR 4,500 is paid.
Canada	Yes	Self-employed can opt-in to federal Employment insurance benefits, including maternity leave, parental leave, sickness and compassionate care.		No		
France	Yes, No in 2004	Means tested (around 80% of families are eligible)	EUR 177.95 a month is paid from the month of childbirth up to the month preceding the child's third birthday. For the adoption of a child, the benefit is paid for up to three years.	Yes	Birth grant: means-tested, such as to include 90% of families is paid for each child at the seventh month of pregnancy.	EUR 889.72
Germany	Yes	For female employees who are not members of a sickness fund, Federal States pay maternity benefits equivalent to the sickness benefit	EUR 210 per month	No		
Greece	No			Yes	Birth grant	EUR 928.10 is paid for each child

WRITTEN ANSWER — *Continued*

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	<i>Allowance</i>	<i>Eligibility</i>	<i>Details</i>	<i>Grant</i>	<i>Eligibility</i>	<i>Details</i>
Hungary	No			Yes	Birth grant paid to a mother who has completed at least four prenatal examinations. The grant is paid to adopting parents if the birth mother completes the required examinations.	A lump sum of 225% of the minimum old-age pension (64,125 forints) is paid after each birth; 300% of the minimum old-age pension (85,500 forints) is paid for twins.
Ireland	No			Yes	Multiple birth grant: Paid for multiple births	
Luxembourg	Yes	Not entitled insured maternity benefit	A lump sum of EUR 3,104.32 is paid for a 16-week period to persons	Yes	Birth: the mother must undergo prescribed medical examinations and reside in Luxembourg.	EUR 1,740.09 is paid in three equal parts as a prenatal allowance, birth grant, and postnatal allowance
Poland	Yes	Social assistance recipients	Four first months of child's life Minimum: PLN 50 per month	Yes	Nursing allowance (means-tested)	A lump sum of PLN 153 is paid
Portugal	Yes	Special maternity allowance	65% of the insured's average daily earnings is paid to a woman who is pregnant, recently gave birth, or breastfeeds an infant, and who is exposed to health and safety risks in the workplace or works at night.	Yes	Prenatal family allowance: paid to a pregnant mother from the 13th week of the pregnancy. Household income must not be greater than five times the social benefit rate.	The allowance varies according to household income and the family allowance paid for each child younger than age one and other children aged one or older.

WRITTEN ANSWER — *Continued*

<i>Countries</i>	<i>Allowance</i>			<i>Grant</i>		
	<i>Allowance</i>	<i>Eligibility</i>	<i>Details</i>	<i>Grant</i>	<i>Eligibility</i>	<i>Details</i>
Slovak Republic	Yes	Women not entitled to paid statutory maternity leave.	Paid leave (lower amount)	Yes	<p>1) Birth grant: Paid for the birth of a child to parents residing permanently in the Slovak Republic.</p> <p>2) Multiple birth allowance: Paid to parents on the birth of triplets or more children or the birth of two sets of twins in a two-year period.</p>	<p>1) A lump sum of EUR 151.37 is paid for each child; for multiple births of three or more children (or the birth of two sets of twins in a two-year period) the lump sum is increased by 50% for each child.</p> <p>2) EUR 81.99 a month is paid for a child up to age six; EUR 101.25 if aged seven to 15; and EUR 107.55 if older than age 15.</p>
Slovenia	No			Yes	Paid for a newborn child whose father or mother resides permanently in Slovenia	A lump sum of EUR 276.11 is paid for the purchase of clothing and other necessities.

WRITTEN ANSWER — *Continued*

<i>Countries</i>	<i>Allowance</i>			<i>Grant</i>		
	<i>Allowance</i>	<i>Eligibility</i>	<i>Details</i>	<i>Grant</i>	<i>Eligibility</i>	<i>Details</i>
Spain		Nursing mother's allowance: paid to a nursing mother who is deemed unable to continue in the usual job or any similar job because of the risk to her and the child's health. There is no required minimum contribution period due to the professional nature of the allowance.	Daily benefit is 100% of the insured's daily average earnings in the last calendar month before the maternity leave period and is paid from the day work ceases until the child is aged nine months.	Yes	1) Birth or adoption grant (income-tested): Paid on the birth or adoption of a child. The child and the recipients must reside legally in Spain. 2) Multiple births or adoptions grant (no income tested): Paid on the birth or adoption of two or more children in Spain. The recipients must not receive any other state family benefits.	1) A tax deduction of EUR 2,500. 2) The grant is four times the monthly minimum wage for the birth of twins or the adoption of two children; eight times the monthly minimum wage for the birth of triplets or the adoption of three children; and 12 times the monthly minimum wage for the birth or adoption of four or more children.
Sweden	Yes	Pregnancy cash benefits (parental insurance): Paid to a pregnant woman employed in physically demanding or dangerous job whose employer is not able to transfer her to less demanding or dangerous work.	80% pay up to maximum	No		

WRITTEN ANSWER — *Continued*

<i>Countries</i>	<i>Allowance</i>			<i>Grant</i>		
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Switzerland	No			Yes	Some cantons pay birth grants	A lump sum of 850 francs to 2,000 francs is paid, according to the canton.
United Kingdom	Yes	All employed and self-employed persons who satisfy certain conditions and are not eligible for statutory maternity pay	Paid for up to 26 weeks starting from the 15 weeks before the expected date of childbirth to the week following childbirth. The benefit is £124.88 a week (April 2010) or 90% of average weekly earnings (whichever is lower).	No		

Note:

Maternity allowance refers to amount of money paid during pregnancy or just after a child is born. Birth grant refers to lump sum amount paid once at or around the childbirth.

Source: OECD