

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 30 April 2014

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 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, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D.,
R.N.

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.

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

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

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 TONY TSE WAI-CHUEN

MEMBERS ABSENT:

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.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.

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

DR THE HONOURABLE LEUNG KA-LAU

DR THE HONOURABLE KENNETH CHAN KA-LOK

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

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

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE JOHN TSANG CHUN-WAH, G.B.M., J.P.
THE FINANCIAL SECRETARY

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, S.C., J.P.
THE SECRETARY FOR JUSTICE

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

MR JAMES HENRY LAU JR., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.
SECRETARY FOR FOOD AND HEALTH

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

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

CLERKS IN ATTENDANCE:

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

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

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

(After the summoning bell had been rung, a number of Members entered the Chamber but did not return to their seats)

PRESIDENT (in Cantonese): Will Members please return to their seats.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Inland Revenue (Exchange of Information relating to Taxes) (United States of America) Order	54/2014
News Agencies Registration (Amendment) Regulation 2014	55/2014
Newspapers Registration and Distribution (Amendment) Regulation 2014	56/2014
Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014	57/2014

Other Papers

- No. 96 — Quality Education Fund
Financial statements for the year ended 31 August 2013
- No. 97 — Education Development Fund
Financial statements for the year ended 31 August 2013
- No. 98 — Language Fund
Financial statements for the year ended 31 August 2013

WRITTEN ANSWERS TO QUESTIONS**Transport Facilities of Kai Tak Cruise Terminal**

1. **MR TAM YIU-CHUNG** (in Chinese): *President, it has been reported that since the commissioning of the Kai Tak Cruise Terminal (the Cruise Terminal) in June last year, its ancillary transport facilities have all along been subject to criticisms. On the 2nd of this month, upon berthing of the RMS Queen Mary 2 (QM2) at the Cruise Terminal, the world's largest ocean liner, over 1 000 visitors queued up for taxis. As taxis entering the Terminal to pick up passengers were few and far between, the visitors had to wait for nearly two hours on average before boarding a taxi and quite a number of them were very dissatisfied with the situation. In this connection, will the Government inform this Council:*

- (1) *of the number of cruise vessels berthing at the Cruise Terminal since its commissioning; whether it knows the average time taken, after berthing of a cruise vessel, to disperse all disembarking visitors to head towards their destinations, the respective percentages of such visitors taking various means of public transport to their destinations, and the number of occasions where disembarking visitors had to wait for more than an hour on average before boarding a taxi; if it has not compiled such statistics, of the reasons for that;*
- (2) *whether it has found out from the operator of the Cruise Terminal why there is always a long queue of disembarking visitors waiting for taxis; if it has, of the details; if not, the reasons for that; and*
- (3) *whether the authorities and the operator of the Cruise Terminal will introduce new measures to attract more taxis to enter the Cruise Terminal to pick up visitors on berthing days and step up publicity work to encourage visitors to go to their destinations by public transport such as feeder buses; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): *President, the Kai Tak Cruise Terminal (the Terminal) is an important tourism infrastructure in Hong Kong. We attach great importance to improving*

the transport connection of the Terminal. The Tourism Commission (TC) has been maintaining close liaison with the Terminal operator and relevant departments and give them advice from time to time, with a view to ensuring safe and smooth operation of the Terminal and its transport arrangements.

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

(1) and (2)

As at mid-April this year, there were a total of 21 ship calls at the Terminal since its commissioning in June last year. Except for the longer waiting time for taxis by passengers of QM2 on 2 April 2014, the operation and transport arrangements for cruise passengers of the Terminal were generally smooth.

Cruise companies usually arrange passengers to disembark in groups in an orderly manner within two to three hours after berthing of the cruise vessels. Generally speaking, cruise passengers may choose the following transport options in departing the Terminal:

- (i) coaches arranged by the terminal operator bringing passengers to Tsim Sha Tsui (the MTR Kowloon Station and hotel areas), Hong Kong Island (hotel areas in Wan Chai, Causeway Bay and North Point) and the airport;
- (ii) free shuttle buses arranged by the terminal operator and operated by the nearby shopping malls for bringing passengers to the three nearby MTR Stations (Kowloon Bay, Kwun Tong and Diamond Hill);
- (iii) transfer services (limousines or coaches) bringing passengers to the airport and major hotels arranged by the cruise companies;
- (iv) shore excursion coaches arranged by the cruise companies; and
- (v) taxis.

Passengers going for sightseeing mostly opt for shore excursion tour coaches or coaches operated by the nearby shopping malls (that is, the aforementioned service items (ii) and (iv)). Those who have finished their cruise journeys in Hong Kong will opt for the transfer services to downtown (that is, the aforementioned service items (i) and (iii)) or taxis.

Coaches and shuttle buses will wait at the coach loading bays of the Terminal before cruise passengers disembark. After departing the terminal building and walking to the coach loading bays, most passengers can readily board the coaches or shuttle buses and leave the Terminal within a short period of time.

On the other hand, the supply of taxis is subject to various factors, such as weather conditions and demand for taxis in the vicinity during the period concerned, and the supply is therefore relatively difficult to manage. At times, there could be more passengers waiting for taxis; at other times, taxis may have to wait for passengers. Generally speaking, the waiting time for taxis averages about 15 to 30 minutes. The only occasion when the average waiting time exceeded an hour occurred during the ship call of QM2 at the Terminal on 2 April.

The terminal operator had notified the taxi trade of the ship call schedule of QM2 one day before her arrival and had continually called for taxis to come into the Terminal through taxi centres in the morning of QM2's berthing. However, the passengers' departure time coincided with the morning rush hour, coupled with the inclement weather, taxi service was already in great demand in the downtown areas. Even though the terminal operator had taken contingency measures in deploying staff to flag taxis in the main roads of Kwun Tong and Kowloon Bay to go to the Terminal to pick up passengers, taxi supply at the Terminal was very limited. The terminal operator also deployed Ambassadors at the taxi stand to advise passengers of other available transport services so as to reduce the number of passengers queuing up for taxis.

Notwithstanding this, most passengers at the taxi stand maintained their choice to take taxis.

- (3) The TC and the terminal operator are very concerned about the long waiting time for taxis by passengers of QM2. In this connection, the TC has urged the terminal operator to learn from experience and improve the transport arrangements along the following directions:
- (i) to step up communication with the cruise companies to facilitate dissemination of information on all the available transport services to passengers both on board the cruise vessel and inside the Terminal;
 - (ii) to display information on the anticipated waiting time for taxis inside the Terminal and at the taxi stand to facilitate passengers' planning of their own transport arrangements;
 - (iii) to continue the practice of giving advance notification to the taxi trade on the ship call schedule of the cruise vessels and calling for taxis via taxi centres on the day of berthing; and to meet with the taxi trade again to step up communications and explore ways to induce more taxis to go into the Terminal to pick up passengers; and
 - (iv) to review from time to time the fares and routes of the transport services provided by the terminal operator in order to enhance the attractiveness of the services.

The terminal operator has pledged to continue to enhance its service quality to better serve the passengers. Subsequent to the ship call of QM2 on 2 April, the Terminal received three more cruise vessels with high passenger capacity in mid-April (that is, Diamond Princess, Celebrity Millennium and Voyager of the Seas). The operation and transport arrangements of these three ship calls were smooth in general. Passengers took different means of transportation according to their needs, and did not have to wait for taxis for too long a period.

Industrial Accidents Involving Crane Lorries

2. **IR DR LO WAI-KWOK** (in Chinese): *President, it has been reported that on 22 February this year, the extended crane of a heavy-duty crane lorry at a construction site in Tuen Mun snapped, and the falling part of the crane hit and killed a construction worker. Regarding industrial accidents involving crane lorries, will the Government inform this Council:*

- (1) *of the number of industrial accidents in the past five years in which heavy-duty crane lorries overturned or the cranes of which snapped during lifting, as well as the resultant casualties;*
- (2) *whether it has compiled statistics on and analysed the causes of the industrial accidents mentioned in part (1) and improved the existing measures for regulating the operation of this type of heavy-duty machinery, such as increasing the penalties for relevant offences; if it has, of the details; if not, the reasons for that; and*
- (3) *whether it will make reference to the experience of other places and set a longest permissible service life for this type of heavy-duty machinery, with a view to minimizing accidents arising from ageing machinery, as well as require that such machinery can only be operated by professionally trained personnel with recognized qualifications; if it will, of the details and the implementation timetable; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): *President, my reply to Ir Dr LO Wai-kwok's question is set out below:*

- (1) Over the past five years (that is, from 2009 to 2013), there were 24 incidents involving overturning or snapping of lifting jibs during lifting operations of heavy-duty crane lorries, leading to eight injuries in seven of these incidents.
- (2) The major causes of the above 24 incidents included failure to maintain the stability/improper control of lifting appliances, operations exceeding the safe working load and mechanical failure. A breakdown by cause of incidents is set out as follows:

	2009	2010	2011	2012	2013	Total
Failure to ensure the stability/improper control of lifting appliances	2	3	2	2	3	12 (50%)
Operation exceeding the safe working load	3	2	0	1	0	6 (25%)
Mechanical failure	0	0	3	1	2	6 (25%)
Total	5	5	5	4	5	24

In view of the occurrence of three fatal industrial accidents involving lifting operations in the first quarter of 2014 (including one related to heavy-duty crane lorry), the Labour Department (LD) has immediately stepped up inspections and enforcement actions against lifting operations. In the first quarter this year, the LD conducted a special enforcement operation targeting construction sites with lifting operations, resulting in the issue of nearly 70 legal notices and initiation of 46 prosecutions. With a view to urging relevant stakeholders to enhance safety measures on lifting operations, the LD in conjunction with the Occupational Safety and Health Council, the trade association and the lifting professional organization concerned, organized a "Mobile Crane Operation Safety Seminar" for hundreds of lifting contractors in end April. At the seminar, the LD alerted the lifting contractors of the need to pay particular attention to the systemic safety risks that the LD had detected during enforcement actions. These included the need to ensure the stability of lifting appliances, the safe working load and safe lifting, as well as proper maintenance, regular tests and examinations of lifting appliances by competent persons, and so on. The LD will continue to take stringent enforcement action against the aforesaid systemic safety risks in the coming months. The LD will issue improvement/suspension notices and initiate prosecutions as appropriate without prior warning if and when any breaches of work safety requirements be detected.

A party who contravenes occupational safety and health (OSH) legislation is liable to a maximum fine of \$500,000 and imprisonment of 12 months. To serve as a reference for sentencing, the LD will submit to the Court adequate information including serious consequences incurred by the accident concerned, the upward trend of the type of accidents involved, the highest fine imposed in similar cases, and so on. Depending on the circumstances of individual cases, the LD will request the Department of Justice consider lodging a review or an appeal to the Court in respect of the conviction and the penalty where necessary.

- (3) Under the existing OSH legislation, owners of lifting appliances (including contractors of construction sites) shall adopt adequate measures to ensure the safe use of lifting appliances, including the responsibility of ensuring that the lifting appliances are of good construction and properly maintained; that regular inspections are made by competent person; and regular tests and thorough examinations are conducted by competent examiners; and that the stability of lifting appliances is maintained and the safe working load is strictly adhered to throughout the lifting operations. In addition, the OSH legislation requires that the lifting appliances should only be operated by a competent person who holds a recognized certificate with relevant experience. The contractor and the employer have the responsibility of providing the operator with adequate information, instruction, training, and supervision. As relevant legislation already exists in regulating the safe use, maintenance, regular tests and examinations of lifting appliances, the LD has no intention of setting any limit on the service life of heavy-duty lifting appliances at this stage. The LD will continue to review from time to time the existing codes of practice relevant to lifting operations and the safety training course for crane operators, and enhance the safety of lifting operations through site inspections.

Measures to Facilitate Ethnic Minority Students in Applying for Financial Assistance

3. **DR HELENA WONG** (in Chinese): *President, based on the data from the censuses of 2001, 2006 and 2011 and using poverty line as a tool, the Hong Kong*

Council of Social Service conducted an analysis of the poverty situation of the ethnic minorities and released its report in December last year. The report showed a deteriorating trend of the poverty situation among the ethnic minorities, with their poverty rate rising from 17.3% in 2001 to 23.9% in 2011, which was also higher than the overall poverty rate of Hong Kong (20.4%). In addition, a survey conducted by a concern group has found that 69.9% of responding low-income South Asians with children studying in kindergartens, primary or secondary schools had not applied for financial assistance from the Student Financial Assistance Agency (SFAA). In this connection, will the Government inform this Council:

- (1) of the current number and percentage of the recipients of various financial assistance schemes under the SFAA who are ethnic minorities, with a breakdown by ethnicity of such recipients;*
- (2) whether the leaflets and application forms prepared by the SFAA for financial assistance schemes are available in ethnic-minority languages; if so, of the details; if not, the reasons for that;*
- (3) of the measures in place to ensure that schools will distribute leaflets and application forms of the SFAA to ethnic-minority parents who have financial difficulties and will provide them with related assistance;*
- (4) regarding the interpretation and translation services (including telephone interpretation and enquiries service, on-site (escort) interpretation service, on-sight interpretation service and written translation service) provided by "the Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER)" funded by the Home Affairs Department, whether it knows the usage of and relevant statistics on such services last year; and the number of times of the ethnic minorities using the services for applying for student financial assistance last year; and*
- (5) whether the SFAA has issued specific guidelines to front-line staff on how to handle enquiries or complaints made by applicants who know neither Chinese nor English; if it has, of the details of such guidelines; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, our reply to Dr WONG's question is as follows:

- (1) The Government's policy on student finance is to ensure that no student is denied access to education due to lack of means. Students passing the means test of the SFAA and meeting the eligibility criteria of individual financial assistance schemes can receive various kinds of education-related financial assistance administered by the SFAA, such as the textbook assistance and the travel subsidy. Students from families in receipt of the Comprehensive Social Security Assistance (CSSA) may receive grant for school-related expenses under the CSSA Scheme direct. They do not need to submit application for financial assistance to the SFAA⁽¹⁾.

Since the SFAA does not require student-applicants to declare their ethnicity at the time of application for financial assistance, the SFAA does not have information on the number of applicants by ethnicity. As a matter of fact, the SFAA handles all applications for financial assistance in a fair, impartial, efficient and non-discriminatory manner, irrespective of the applicants' ethnicity, in a bid to ensure that families with financial needs are given appropriate support.

- (2) At the pre-primary education level, the Education Bureau and the SFAA have translated the information leaflets on the Pre-primary Education Voucher Scheme and the Kindergarten and Child Care Centre Fee Remission Scheme (KCFRS) into six different languages of the ethnic minorities, namely, Hindi, Indonesian, Nepali, Tagalog, Thai and Urdu, and have arranged for the distribution of the leaflets to kindergartens and District Offices so that the leaflets can be readily made available to parents of the ethnic minorities. In the 2014-2015 school year, the SFAA will post the leaflet on KCFRS in different ethnic minority languages on its website for the parents' viewing and downloading.

Furthermore, for all KCFRS recipients who are studying at the upper classes of kindergarten, including children of the ethnic minorities,

(1) Except for post-secondary students.

the SFAA will send out application forms for financial assistance for primary and secondary students to their parents towards the end of the school year so that the parents can continue to apply for financial assistance for their children when the children progress to Primary One. Kindergartens have been informed of the arrangement and they will help explain the arrangement to parents of the ethnic minorities when necessary.

As regards financial assistance at the primary and secondary levels, the SFAA has currently made available the relevant information leaflet in both Chinese and English. In the 2014-2015 school year, the leaflet will be translated into six more languages of the ethnic minorities, namely, Hindi, Indonesian, Nepali, Tagalog, Thai and Urdu. The leaflets will be distributed to schools, Regional Education Offices of the Education Bureau, District Offices and District Social Welfare Offices of the Social Welfare Department so that the leaflets can be readily made available to parents of the ethnic minorities. Leaflets in different ethnic minority languages can also be viewed and downloaded from the SFAA's website at the same time.

To enable parents of the ethnic minorities to have a better and more direct understanding of the SFAA's schemes, starting from 2014, the SFAA will make use of platforms such as briefing sessions organized by the Education Bureau every year on arrangements of Kindergarten Admission, Primary One Admission and Secondary One Admission for parents of the ethnic minorities to inform them of the application procedures for various financial assistance schemes and to answer their enquiries. Briefing sessions for 2014 will be held in May, September and December 2014 for parents of Kindergarten and Primary Six students of ethnic minorities.

Moreover, the SFAA has started collaboration with the CHEER Centre to publicize and provide information on application for financial assistance to ethnic minorities. Staff of the CHEER Centre will assist families of the ethnic minorities in making application for financial assistance.

Through enhanced publicity and the afore-mentioned arrangements, together with support from the CHEER Centre, we believe that needy families of the ethnic minorities will be offered the appropriate assistance.

- (3) On pre-primary education, the SFAA conducts briefings for kindergartens each year to explain to the sector details about the application for the KCFRS and to answer questions raised by the sector on matters relating to KCFRS application. Opportunities are also taken to exchange views on the processing of applications from needy families including families of the ethnic minorities. Kindergartens are appealed to include the KCFRS as one of the agenda items in their Parents' Day and to assist needy families, including families of the ethnic minorities, to apply for fee remission under the KCFRS. The SFAA will also advise kindergartens to introduce and distribute the leaflet on the KCFRS in different languages to parents of the ethnic minorities.

On financial assistance for primary and secondary students, the SFAA has been collaborating closely with schools to provide needy families (including families of the ethnic minorities) with appropriate assistance, which include:

- Every year in late April, the SFAA provides schools with Application Forms and Guidance Notes on Application for Assessment of Eligibility for Financial Assistance for Primary and Secondary Students for the next school year for distribution to first-time applicants with financial needs. For the coming year, information leaflets published in different languages will also be made available for distribution to the applicants. From past experience, applicants who encounter difficulties in application will normally approach the school for assistance, which will invariably render assistance to the parents, including parents of the ethnic minorities, as far as possible.
- For students who have received financial assistance from the SFAA in the past school year, the concerned families will be

issued with the pre-printed application forms to facilitate their applying for assistance in the next school year. Families which have particular difficulties in understanding the application procedures will be provided with appropriate assistance by the SFAA/their schools.

- Under the current Principal's Recommendation Scheme, students with special financial difficulties may submit application for financial assistance for primary and secondary students at an earlier time (around early April every year) for fast-track processing by the SFAA on the recommendation of their schools. Schools admitting students of the ethnic minorities may recommend them for assistance under the Scheme having regard to their financial circumstances.
- Before the start of a school year, the SFAA will distribute the Explanatory Notes to Schools for Application Processing to inform schools of the details on how to handle applications for various financial assistance schemes for primary and secondary students, including applications made by first-time applicants and continuing applicants.

As a matter of fact, through daily contact with students, teachers can better understand the students' needs and difficulties and render them apt support. The SFAA will continue to appeal to schools and work closely with them to provide needy students of the ethnic minorities with the necessary assistance.

- (4) Whenever the need for translation and interpretation services arises, the relevant bureaux/departments (including the SFAA) and public bodies may procure such services in accordance with the established rules and procedures so as to assist the ethnic minorities in using public services. Moreover, the Home Affairs Department has commissioned the Hong Kong Christian Service to run the CHEER Centre to provide translation and interpretation services. The statistics of translation and interpretation services provided by the CHEER Centre in the 2012-2013 financial year are set out below.

<i>Translation and interpretation services</i>	<i>No. of times such service was provided</i>
Telephone interpretation and enquiry service	3 369
On-site interpretation service ⁽¹⁾	515
On-sight interpretation service ⁽²⁾	141
Translation service	36
Simultaneous interpretation service	9
Total	4 070

Notes:

- (1) On-site interpretation service is provided upon the request of government departments, such as the Department of Health. The interpreter will be physically present at the same place as the public service providers and the ethnic minority service user to provide face-to-face interpretation.
- (2) As for on-sight interpretation service, ethnic minorities can bring along English documents, such as letters from the Housing Authority or schools, to the CHEER Centre and interpreters will provide verbal translation of the documents from English into seven ethnic minority languages to the ethnic minorities.
- (5) According to the SFAA's existing guidelines, front-line staff may seek telephone interpretation and enquiry service from the CHEER Centre if they come into contact with an applicant of the ethnic minority who cannot communicate effectively in Chinese or English. If the enquiry cannot be fully resolved, the front-line staff will refer the case to their supervisor. According to past experience, applicants of the ethnic minorities usually make enquiries with the SFAA through the assistance of their relatives or friends who can communicate in English. Hence, the SFAA has not encountered special difficulties in communicating with applicants of ethnic minorities on matters relating to application for financial assistance.

The SFAA will upkeep its efforts in this regard so as to ensure that families with particular difficulties in understanding the application procedures will be provided with appropriate assistance and students in need will not be deprived of the opportunity to obtain financial assistance because of the language barrier.

Rising Costs of 10 Major Infrastructure Projects

4. **MR ALBERT CHAN** (in Chinese): *President, I have learnt that, owing to rising wages and prices of materials, the current actual costs of the 10 Major Infrastructure Projects (TMIPs) proposed by the Chief Executive of the last term in 2007 are much higher than the originally estimated costs. In this connection, will the Government inform this Council:*

- (1) *of the respective and aggregate costs of the TMIPs expressed at today's prices, and their rates of increase as compared to the originally estimated costs; and*
- (2) *whether the authorities will consider assessing afresh the urgency of these infrastructure projects, and postpone the completion of those projects which are less urgent, so as to alleviate the pressure on construction manpower during peak construction period; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): *President,*

- (1) Since 2007, the HKSAR Government has been implementing a massive infrastructure development programme, comprising the TMIPs and other public works projects of varying scales, in order to revive Hong Kong's economy and meeting the diverse needs of the community. The TMIPs include projects that have already commenced works as well as those scheduled for later development to meet housing and other demands of Hong Kong's growing population in future.

To date, seven of the TMIPs have obtained funding approval from the Finance Committee and have commenced works, with a total capital investment of over \$300 billion (see Annex). Among these projects, only the Hong Kong Link Road of the Hong

Kong-Zhuhai-Macau Bridge project needed to increase its approved project estimates⁽¹⁾ from \$16.2 billion to \$25.1 billion.

- (2) The Government is now reviewing and planning for the remaining TMIPs. All along, the Government has been taking forward infrastructure projects in an orderly manner. As such, the TMIPs are now at different stages. Moreover, the large-scale projects that extend over a longer time period, such as the Kai Tak Development, will be implemented in phases to facilitate more efficient allocation of resources. However, as unforeseen circumstances appeared during implementation, such as judicial review and consultation exercises that had taken longer than expected, some of these projects have suffered from delay.

To date, seven of the TMIPs have entered the construction stage. We are pressing ahead with the works as scheduled with a view to completing the projects on time. Suspending or deferring these projects that have been contracted out might incur significant economic losses or lead to claims for breach of contracts.

On the other hand, according to the projection of the Construction Industry Council as at end October 2013, the overall construction expenditure forecasts for both public and private sector will continue to stand at a high level, ranging from \$160 billion to \$190 billion a year. Postponing the TMIPs may run the risk of creating a more acute construction peak several years later, resulting in even higher project prices, giving rise to more intense labour demand and at the same time, deferring the realization of the economic and social benefits of these projects. Therefore, we do not consider it appropriate to defer the worthy TMIPs. The Government would co-ordinate with relevant bureaux and departments to ensure they would co-operate closely to implement the projects in an effective and orderly manner, with due regard to the merits of individual projects and the financial sustainability of the overall Capital Works Programme, in order to meet the public's aspirations and further Hong Kong's development.

(1) The approved project estimate is the project estimate in money-of-the-day prices as approved by the Finance Committee.

Total Construction Costs for the 10 Major Infrastructure Projects

	<i>Latest Approved Project Estimates as Approved by the Finance Committee (in money-of-the-day prices)</i>
(1) South Island Line	\$0.9 billion ⁽¹⁾
(2) Shatin to Central Link	\$79.8 billion
(3) Tuen Mun-Chek Lap Kok Link and Tuen Mun Western Bypass - Tuen Mun-Chek Lap Kok Link - Tuen Mun Western Bypass	\$46.7 billion under planning and review
(4) Guangzhou-Shenzhen-Hong Kong Express Rail Link	\$66.8 billion
(5) Hong Kong-Zhuhai-Macao Bridge - funding support for main bridge - reclamation and boundary crossing facilities - Hong Kong Link Road	\$9.3 billion \$30.4 billion Increased from \$16.2 billion to 25.1 billion
(6) Hong Kong-Shenzhen Western Express Line	under planning and review
(7) Lok Ma Chau Loop	under planning and review
(8) West Kowloon Cultural District - upfront endowment - integrated basement - other related infrastructures and common facilities	\$21.6 billion under planning and review under planning and review
(9) Kai Tak Development - projects approved by the Finance Committee - projects under planning	\$40.1 billion under planning and review
(10) North East New Territories and Hung Shui Kiu New Development Areas	under planning and review
Latest Total Approved Project Estimates in money-of-the-day prices:	\$320.7 billion

Note:

(1) Only includes the major public infrastructure projects funded by Government.

Filibuster on Appropriation Bill 2014

5. **DR LAM TAI-FAI** (in Chinese): *President, a number of Members of this Council submitted a total of 1 917 Committee stage amendments (CSAs) to the Appropriation Bill 2014 (the Bill) and some of them also stated unequivocally that they would "filibuster" during the scrutiny process with the intention of forcing the Government to accede to their demands, including distribution of \$10,000 to each member of the public and implementation of a universal retirement protection scheme. This Council starts dealing with the CSAs to the Bill at the meeting today. In this connection, will the Government inform this Council:*

- (1) *given that last year, the Financial Secretary had met with Members who initiated a filibuster, whether the Government has lobbied the aforesaid Members this year, urging them to withdraw some or all of their CSAs and explaining to them (i) the consequences and impacts of failure to pass the Bill before the deadline, and (ii) the justifications for the Government not distributing \$10,000 to each member of the public and not implementing a universal retirement protection scheme this year; if it has, of the details of the post titles of the officials who had undertaken the lobbying task, the dates and time, venues and formats of the meetings with those Members, as well as the contents of their discussions; if not, the reasons for that;*
- (2) *whether it has assessed the amount of additional public expenditure that will be caused by the filibuster; if it has, of the details, if not, the reasons for that;*
- (3) *whether it has assessed the specific impacts of the filibuster on the operation of various government departments; if it has, of the departments that will be affected and the relevant impacts (including those relating to service provision and additional expenditure caused, and so on); if not, the reasons for that;*
- (4) *of the relief measures put forward in the 2014-2015 Budget the implementation of which by the Government will be hindered by the filibuster, as well as the amounts involved in those measures;*

- (5) *whether it has assessed the impacts of the filibuster on the relationship between the executive authorities and the legislature; if it has, of the details; if not, the reasons for that;*
- (6) *whether it has assessed the perception of people from various sectors of the community on the filibuster, including their impressions of the Government and this Council, as well as the responses of various political parties to the filibuster; if it has, of the details; if not, the reasons for that;*
- (7) *whether it has requested the President of the Legislative Council to "put an end to the filibuster"; if it has, of the details; if not, the reasons for that;*
- (8) *as the Secretary for Financial Services and the Treasury has pointed out that the funds on account provided can only meet around two months' operating expenses of the Government, whether it has assessed when the Government will face a "fiscal cliff" and what specific situation that Hong Kong will face when the Bill is not yet passed by the end of May this year; whether there are measures in place to avert a fiscal cliff; if there are, of the details; if not, the consequences of that; and*
- (9) *whether it has formulated corresponding plans to deal with the situation that the Bill could not be passed by this Council by the end of May this year; if it has, of the details, and whether it will consider seeking vote on account again; if it will, when it will submit the application; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, my consolidated reply to the question on the Bill is set out in the ensuing paragraphs:

The Financial Secretary introduced the Bill into the Legislative Council on 26 February, seeking funding for the day-to-day operations of the Government and subvented organizations, the provision of welfare services to the public and the implementation of the various initiatives proposed in the Budget.

The Legislative Council passed the Vote on Account Resolution on 19 March to provide funding for the Government to carry on its services prior to the passage of the Bill. The funds on account in the interim period would only be sufficient to enable the Government to meet its operating expenses for about two months. If the passage of the Bill is not secured by mid-May as scheduled, we expect that there would be a funding shortfall for many bureaux/departments at different times in June, and various public services, including medical, education, welfare, environmental protection, law and order and livelihood-related services, would be affected.

The total funding made available through the Vote on Account Resolution in general does not cover payment for new initiatives or new measures not yet deliberated by the Legislative Council. With the delayed passage of the Appropriation Bill, the implementation of the various Budget initiatives and funding proposals which require specific approval from the Finance Committee of the Legislative Council would be unduly delayed. Such proposals include:

- (1) \$3.7 billion for one month's public housing rental relief and one extra month's standard rate/allowance under Comprehensive Social Security Assistance, Old Age Living Allowance, Old Age Allowance, and Disability Allowance;
- (2) \$1 billion injection into the Qualifications Framework Fund;
- (3) \$400 million injection into the Partnership Fund for the Disadvantaged;
- (4) \$130 million for manpower training and development programmes for the retail industry;
- (5) \$144 million for a pilot training and support scheme under the Vocational Training Council for industries with keen demand for labour; and
- (6) \$100 million for a scholarship scheme to subsidize undergraduate places for secondary school graduates with multi-faceted excellence.

The Appropriation Bill seeks to provide resources for all the public services. The appropriations are the main source of income for over one million

welfare recipients, hundreds of thousands of staff of subvented organizations and civil servants, and thousands of service providers and their staff. Undue delay in the passage of the Bill will thus impose pressure on the overall economy, the consumption sentiment as well as numerous families, with dire consequences.

As a matter of fact, more than 1 900 CSAs in total were proposed by individual Members in early April (the President of the Legislative Council ruled that 1 192 CSAs were admissible afterwards), and the Government has made use of various means and channels to explain to all Legislative Council Members and the general public the necessity of passing the Bill by mid-May and the consequences of delay in the passage due to filibuster.

The Secretary for Financial Services and the Treasury wrote to the Secretary General of the Legislative Council on 9 April, setting out the Administration's views on the CSAs, as well as analysing the implications of the CSAs. The Financial Secretary also wrote to the President of the Legislative Council on 17 April, expressing the vital importance of the timely passage of the Bill, and explaining the need to ensure passage of the Bill by mid-May.

The Government respects the Legislative Council's powers to scrutinize and approve the Appropriation Bill. Since the introduction of the Bill into the Legislative Council on 26 February and up to 29 April, the Government has rendered full support to the Legislative Council in the scrutiny process by, among other things:

- (1) replying to a total of 6 600 initial written questions and 232 supplementary questions (a new record high) raised by Members in the special meetings of the Finance Committee;
- (2) attending 20 sessions (totalling about 30 hours) of special meetings of the Finance Committee; and
- (3) analysing the implications of the CSAs proposed by Members and setting out the Government's position to the Legislative Council.

To cope with the funding shortfall from June onwards in the event of the failure to pass the Bill in mid-May, we have requested all bureaux and departments to closely review the cashflow positions for May and June in respect of the 83 heads of expenditure under their control for drawing up contingency

measures. Based on experience in last year, there may be delay in providing the regular subvention payments to organizations like the Hospital Authority and the eight publicly-funded universities, and so on. These organizations may need to deploy their reserves to maintain their daily operations.

The Legislative Council will proceed to the Committee stage of the Bill on 30 April. With 1 192 CSAs to the Bill, we are concerned that the scrutiny will take longer time than last year to complete. We will continue to explain to Members of the Council about the importance of the passage of the Bill by mid-May to seek their support for its early passage, so that public services will not be seriously disrupted.

Several Members repeated their last year's tactic to filibuster and delay the passage of the Bill in order to demand the Administration to accede to their requests, such as the giving of "cash handouts" to everyone and the implementation of universal retirement protection. We can hardly accept such tactic. In formulating policies, the Government needs to go through detailed deliberations and assessments, and forge consensus among the community at large. We will not yield to the pressure of filibuster and bargain with these Members over their demands, nor will we introduce policies in such haste.

Enhancement of Wi-Fi Services

6. **MR CHAN HAK-KAN** (in Chinese): *President, in his 2014-2015 Budget, the Financial Secretary indicated that the number of Wi-Fi hotspots with complete or time-limited free public access would be doubled to 20 000 by the end of this year. Yet, the Director of Audit's Report No. 60 pointed out that, in the web-based user satisfaction surveys on the Government Wi-Fi (GovWiFi) service conducted by the contractor concerned, of the 8 671 users who took part in the surveys, 19% had encountered problems in using or connecting to the relevant service. In addition, some members of the public have relayed to me that from time to time, there have been cases of difficulty in connecting to GovWiFi service, slow data transmission and disconnection of the service, rendering the quality of the GovWiFi service inferior to that of private Wi-Fi services. In this connection, will the Government inform this Council:*

- (1) *whether it knows (i) the average monthly usage, (ii) the year-on-year growth rate of the monthly usage, (iii) the average upload and download speeds, and (iv) the average disconnection rate, of the public and private Wi-Fi services in various District Council*

districts in the past three years; of the district with the highest usage of Wi-Fi services in the past three years;

- (2) whether it has assessed if the data transmission speed of GovWiFi service meets the needs of general users; if the assessment outcome is in the affirmative, of the details; if the assessment outcome is in the negative, the reasons for that;*
- (3) of the locations at which the additional Wi-Fi hotspots mentioned above will be installed; with the doubling of the number of Wi-Fi hotspots to 20 000, of the extent to which the coverage of GovWiFi service will be expanded;*
- (4) whether it has plans to launch a pilot scheme, in the district with the highest usage or highest usage growth rate of GovWiFi service, to provide full service coverage for the district concerned; if so, of the details; if not, the reasons for that;*
- (5) whether it has carried out technical upgrading of GovWiFi service across the territory in the past three years; whether it has plans at present to carry out technical upgrading of GovWiFi service; if so, of the details; if not, the reasons for that;*
- (6) whether it has considered providing GovWiFi service at all tourist attractions in Hong Kong;*
- (7) of the expenditure, as estimated by the Government, required for upgrading the quality of GovWiFi service to a level on par with that of private Wi-Fi services; and*
- (8) as the Government indicated in the Digital 21 Strategy that it would build Hong Kong as a Wi-Fi city, of the amount of public money spent so far on implementing the relevant measures?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, to further advance Hong Kong's position as a highly connected city, the Government proposed in the 2014 Digital 21 Strategy to:

- (i) extend the free Government Wi-Fi Programme (GovWiFi) service to more government premises;

- (ii) collaborate with the industry to facilitate and promote a common Wi-Fi branding for Wi-Fi services which are offered by the public and private sectors completely free or time-limited free of charge; and
- (iii) facilitate other government-related organizations to partner with Wi-Fi service operators to provide time-limited free access of public Wi-Fi services at their facilities.

Regarding the questions raised by Mr CHAN Hak-kan, my reply is as follows:

- (1) For *GovWiFi*, the average monthly usage and the year-on-year growth rate in the 18 districts of Hong Kong in the past three years are as follows:

	<i>2011 (Average monthly user count)</i>	<i>2012 (Average monthly user count)</i>	<i>2013 (Average monthly user count)</i>	<i>Year-on-year growth rate (%)</i>
Central and Western District	60 104	86 337	104 279	32%
Yau Tsim Mong	65 592	85 704	101 714	25%
Wan Chai	61 141	77 056	85 653	18%
Eastern District	38 938	50 532	50 212	14%
Sham Shui Po	27 539	38 568	41 109	22%
Sha Tin	29 273	39 349	39 001	15%
Kwun Tong	23 165	32 125	38 447	29%
Yuen Long	21 345	28 625	38 322	34%
North District	21 411	32 928	36 242	30%
Kowloon City	20 435	27 295	28 419	18%
Kwai Tsing	20 186	27 749	25 723	13%
Tsuen Wan	17 651	24 706	25 544	20%
Wong Tai Sin	16 570	23 330	24 853	22%
Southern District	18 804	23 413	24 811	15%
Tai Po	20 764	26 948	24 439	8%
Sai Kung	14 679	21 110	20 985	20%
Tuen Mun	12 273	17 170	17 464	19%
Islands	5 866	8 714	9 645	28%

To ensure that *GovWiFi* provides reasonable service level, there is a connection speed limit set for each user. In general, the average uploading and downloading speed for each user is about 1 to 2 Mbps, with maximum up to 3 Mbps. The actual performance of public Wi-Fi service depends on the number of concurrent users and the signal strength at the location where the user is situated. Service disconnections are often caused by prevailing environmental conditions, such as interference from other wireless devices or other Wi-Fi services nearby, weather condition, signal blockage by obstacles like trees and moving objects, and so on. We do not have figures on average disconnection rate.

In 2013, the highest average monthly usage of the *GovWiFi* service was in the Central and Western District.

We do not have the related figures with regard to the usage, uploading and downloading speed, as well as average disconnection rate of the Wi-Fi services provided by other public and private sectors.

- (2) The current connection speed provided by the *GovWiFi* service can support general Internet surfing and video streaming. We periodically review the connection speed of *GovWiFi* service and the overall bandwidth for the premises, and suitably adjust the bandwidth according to service usage and demand. To ensure service quality, we conducted comprehensive on-site service checks at all *GovWiFi* premises in 2013. We also monitor daily the number of user connections and bandwidth usage at *GovWiFi* premises. When the usage keeps on growing, we will enhance the service by increasing the overall bandwidth and adding hotspots at the premises.

Moreover, the Office of the Government Chief Information Officer set up the *GovWiFi* Maintenance Board with members from major participating departments to manage and monitor the *GovWiFi* service. Under the supervision of the Maintenance Board, we perform monthly sample checks at the *GovWiFi* premises to test the

service performance on-site, including transmission speed and connection stability, and so on. We also convene service management meetings with the contractors on a regular basis to review the service level, and conduct round-the-clock monitoring of the *GovWiFi* service performance. In addition, we will enhance the service based on user suggestions collected through the 24-hour *GovWiFi* helpdesk hotline and the standing online survey on the *GovWiFi* portal.

- (3) Currently, the Wi-Fi services which are offered by the public and private sectors completely free or time-limited free of charge have around 10 000 hotspots in more than 5 400 locations covering all 18 districts in Hong Kong, including government premises and public areas, tourist spots, major transport facilities (such as airport, MTR stations, ferry terminals, buses and ferries), coffee shops, restaurants and shopping centres, and so on. Specifically, the *GovWiFi* provides free Wi-Fi service to the public and visitors through more than 2 500 hotspots at government premises with high patronage and high public demand as well as premises that can facilitate the delivery of e-government services and promote the image of Hong Kong (447 premises in total).

To further advance Hong Kong's position as a highly connected city, the Government proposed in the 2014 Digital 21 Strategy to extend the free *GovWiFi* service to more government premises, including leisure locations and popular focal points such as beaches, major district parks and harbourfront promenades, and so on. The numbers of *GovWiFi* premises and hotspots from 2012 to 2014 are as follows:

<i>Year</i>	<i>Number of premises</i>	<i>Number of hotspots</i>
2012	395	2 000
2013	437	2 300
2014 (Estimate)	480	2 700

Moreover, the Government will also facilitate other government-related organizations (such as public hospitals) to

partner with Wi-Fi service operators to provide time-limited free access of public Wi-Fi services at their facilities. With the concerted efforts of the industry and the Government, it is estimated that the number of public Wi-Fi hotspots providing completely free or time-limited free of charge services will be doubled from the current 10 000 to 20 000 by the end of 2014. As the public Wi-Fi hotspots are mainly provided by service operators and private organizations, the locations and coverage of Wi-Fi hotspots will hinge on the public Wi-Fi development plans of relevant parties.

- (4) The objective of the *GovWiFi* Programme is to install Wi-Fi facilities at government premises with high patronage in all 18 districts to provide free Wi-Fi service for the public and visitors. As stated in part (3) of the reply, *GovWiFi* will be extended to popular focal points. When providing *GovWiFi* service, we need to give due consideration to its cost-effectiveness. We do not have any pilot scheme to provide full service coverage for a particular district. We will continue to monitor the number of connections and bandwidth usage at the *GovWiFi* premises, and when the usage keeps on growing, we will enhance the service by increasing the overall bandwidth and adding hotspots at the premises.
- (5) Since the launch of the *GovWiFi* service in 2008, there has been a steady growth in the usage. Hence, after the expiry of the *GovWiFi* service contract in December 2012, the Government launched the next generation *GovWiFi* Programme with technical enhancement on the service. When the new service was launched in December 2012, on top of the existing IEEE 802.11b/g Wi-Fi standards and Internet Protocol version 4 (IPv4) support, IEEE 802.11n standard and Internet Protocol version 6 (IPv6) support were also introduced to provide better signal coverage, enable faster data transfer, reduce signal interference, support Internet services delivered through IPv6 and increase the bandwidth limit for each user, with maximum up to 3 Mbps. As stated in parts (3) and (4) of the reply, we will also conduct reviews on a regular basis to examine the need for further enhancement on wireless network technologies, and so on.

- (6) One of the objectives of the GovWiFi Programme is to promote the image of Hong Kong. The GovWiFi Programme currently covers a number of tourist spots that are government premises, providing free Wi-Fi services to the public and visitors.

The GovWiFi Programme currently covers the tourist spots which are government premises, including the following:

	<i>Tourist Spots</i>
1.	The Peak (Peak Road Garden)
2.	Avenue of Stars (Tsim Sha Tsui Promenade)
3.	Bird Garden
4.	Cheung Chau (at Public Library, Sports Centre and Public Enquiry Service Centre)
5.	Clock Tower (Tsim Sha Tsui Promenade)
6.	Hong Kong Cultural Centre Piazza
7.	Hong Kong Heritage Museum
8.	Hong Kong Museum of Coastal Defence
9.	Hong Kong Museum of History
10.	Hong Kong Park
11.	Hong Kong Science Museum
12.	Hong Kong Space Museum
13.	Kowloon Walled City Park
14.	Lamma Island (at North and South Lamma Public Libraries)
15.	Ping Shan Heritage Trail (at Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre)
16.	Repulse Bay Beach
17.	Stanley Waterfront Mart cum Stanley Promenade
18.	Hong Kong Wetland Park (at Visitor Centre)
19.	Hong Kong Tourism Board-Kowloon Visitor Centre
20.	Golden Bauhinia Square cum Wai Chai Temporary Promenade
21.	Kai Tak Cruise Terminal

As there are many tourist attractions in Hong Kong and plenty of them are run by private entities, the Government will not provide GovWiFi service in all tourist attractions.

- (7) When providing the free *GovWiFi* service, the Government must take account of cost-effectiveness, such as the patronage of the premises and the service usage. The current bandwidth for each user is sufficient for general Internet usage, including Internet surfing and video streaming. In addition to the services available in normal public Wi-Fi service, *GovWiFi* also offers the following additional services:
- (i) No need for user registration;
 - (ii) Network security, such as firewalls, peer-to-peer blocking function, encrypted channel and regular security risk assessment and audit;
 - (iii) Content filtering system to block those websites that are classified as containing obscene, indecent, malicious or illegal contents. The content filtering arrangements would be adjusted at some premises in accordance with the Internet usage policy specified by the premises concerned, so as to align with the operation of these premises. For example, online gambling and online games websites are blocked by the content filtering system at public libraries; and
 - (iv) 24-hour network monitoring and helpdesk hotline service, and so on.

As the service levels of Wi-Fi services provided by different service providers differ from each other, and their service scopes also vary, these services cannot be directly compared.

- (8) The Finance Committee of the Legislative Council allocated a total funding of \$286 million in 2007 and 2011 for the provision of *GovWiFi* service for 10 years up to 2017. As at March 2014, the total expenditure of *GovWiFi* was around \$212 million, which included the expenditure for the provision of the *GovWiFi* service by the contractor and programme co-ordination, management and support by the Government, hotspots and network setup, site preparation work, installation, daily operation and maintenance, security management, content filtering service, monthly Internet

access service of the premises, 24-hour network monitoring and helpdesk hotline service, and so on.

To implement the proposals in the 2014 Digital 21 Strategy, we have reserved \$1.3 million in 2014-2015 for the establishment and promotion of a common Wi-Fi branding for Wi-Fi services, including inviting relevant organizations in the industry and public organizations to participate in promoting the common Wi-Fi branding, arranging an online voting for the public to select their preferred brand, developing a website and a mobile application, as well as conducting related promotion activities.

Railway Property Development Projects

7. **MR MICHAEL TIEN** (in Chinese): *President, the Secretary for Development said earlier that railway property development projects (projects) in the past several years concentrated on sites along the West Rail and it was disappointing that the MTR Corporation Limited (MTRCL) had not granted by tender the development rights of any project (unsuccessful tendering) in the past three years. There are views that the granting of development rights of railway projects by the MTRCL in accordance with its plan is vital to achieving the target of producing 470 000 flats in the next 10 years, as proposed by the Long Term Housing Strategy Steering Committee. In this connection, will the Government inform this Council:*

- (1) *whether it knows the details of each of the projects the development rights of which were granted by the MTRCL by way of tendering from 2003 to 2013, including (i) the year of tender, (ii) the project name, (iii) the developer, (iv) the land premium per square foot of floor space, (v) the residential gross floor area (GFAs), (vi) the number of residential flats, (vii) the average number of residential floors, (viii) the GFA of the shopping mall, (ix) the area of community and recreational facilities, (x) the number of parking spaces, and (xi) the completion date or the expected completion date (set out in table form);*
- (2) *whether it knows the details of the projects for which the MTRCL conducted tender exercises between 2003 and 2013 with the result of*

unsuccessful tendering, including (i) the years of tender, (ii) the site locations, (iii) MTRCL's expected land premiums per square foot of floor space during the tender, (iv) the areas of construction sites, (v) the residential GFAs, and (vi) the numbers of residential flats (set out in table form);

- (3) given that the MTRCL did not grant the development rights of any project in the past three years, and according to the Secretary, "the Government should make more effort and the MTRCL should try hard", whether the Government has conducted a review with the MTRCL in this respect; if it has not, of the reasons for that; if it has, the main reasons for unsuccessful tendering, and whether the MTRCL will relax the tender conditions to increase the prospects of granting the development rights;*
- (4) given the recent unsuccessful re-tendering of the project above Tin Wing Light Rail Transit Station, whether the Government will resume the site for production of Home Ownership Scheme flats; if it will, whether the plot ratio of the project concerned will be higher than those of existing residential buildings in the vicinity; whether it will consult the local residents on the development of the site; and*
- (5) of the details of the projects the development rights of which are currently held by the MTRCL, and whether the Government has set any timetable for reviewing the development rights concerned?*

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

- (1) The information about the property development projects owned by the MTRCL and successfully tendered in 2003-2013 is at Annex A.
- (2) The information about the property development projects owned by the MTRCL and unsuccessfully tendered in 2003-2013 is at Annex B.

- (3) The above property development projects are planned and implemented by the MTRCL, including the setting of the tender conditions on its own (except the Government land grant conditions). The Government will continue to communicate with the MTRCL on the implementation of its property development projects, and prepare the terms and conditions of the land grant documents with reference to the development schedule of individual projects. The market response to the property development projects tendered by the MTRCL may be affected by a couple of factors, such as the bidders' development strategy, outlook for the property market, commercial considerations, and so on.
- (4) The development right of the property development project at Tin Shui Wai Light Rail Terminus is owned by the MTRCL. We understand that the MTRCL is exploring the way forward for this project. The Government will consider any proposal involving the Government based on its merits.
- (5) The information about the property development projects owned by the MTRCL and being planned is at Annex C.

The granting of property development rights to the MTRCL by the Government in the past is to provide funding assistance to the MTRCL for its construction and operation of railway projects (that is, "Rail+Property" model). Under this model, the MTRCL is responsible for the development costs of the property development project concerned as well as the costs of construction and operation of the railway project concerned. The MTRCL has to bear the long-term risks of financing the project and operating the railway. Apart from this model, the MTRCL also acquired property development projects from the Kowloon-Canton Railway Corporation under the property package in the rail merger in 2007. The development rights of the property development projects set out at Annex C were obtained by the MTRCL through the above means.

As mentioned above, the Government will consider any proposal involving the Government based on its merits.

Annex A

Property Development Projects owned by the MTRCL and successfully tendered in 2003-2013

<i>Year of Tender</i>	<i>Project Name (Project Location)</i>	<i>Developer</i>	<i>Land Premium per Square Foot (sf) of Floor Area# (About)</i>	<i>Domestic Gross Floor Area (GFA) (About) (sf)</i>	<i>Number of Residential Flats (About)</i>	<i>Number of Residential Floors (About)</i>	<i>GFA of the Shopping Mall (About) (sf)</i>	<i>Area of Community and Recreational Facilities (About) (sf)</i>	<i>Number of Parking Spaces (Residential) (About)</i>	<i>Completion/Expected Completion Date (About)</i>
2005	The Capitol (LOHAS Park)	Cheung Kong (Holdings) Ltd	\$1,500	1 466 000	2 096	50-54	5 400	47 000	300	2008
2006	Le Prestige (LOHAS Park)	Cheung Kong (Holdings) Ltd	\$2,400	3 334 000	4 272	49-59	0	8 600	855	2010-2012 (Completed by phase)
2007	The Wings (Tseung Kwan O Station)	Sun Hung Kai Properties Ltd.	\$1,900	861 000	1 028	35-38	215 000	58 000	154	2011-2012 (Completed by phase)
2007	Hemera (LOHAS Park)	Cheung Kong (Holdings) Ltd	\$2,400	1 384 000	1 648	49-54	0	11 000 [#]	330	2014 (Expected)
2008	The Riverpark (Che Kung Temple Station)	New World Development Company Limited	\$3,750	967 000	981	36-38	9 300	0	249	2012
2010	Site C: The Austin Site D: Grand Austin (Austin Station)	Wheelock Properties Limited and New World Development Company Limited	\$9,100	Site C: 543 000 Site D: 739 000	Site C: 576 Site D: 691	Site C: 22-26 Site D: 26-31	0	0	Site C: 246 Site D: 328	2014 (Expected)

Notes:

Land premium assessed by the Lands Department (Accommodation Value).

* The project includes a public transport interchange, the area of which is not specified in the land lease.

Annex B

Property Development Projects owned by the MTRCL and unsuccessfully tendered in 2003-2013

<i>Year of Tender</i>	<i>Project Location</i>	<i>Site Area (About) (sf)</i>	<i>Domestic GFA (About) (sf)</i>	<i>Estimated Flat Number (About)</i>
2012	Tai Wai Station	521 000	2 050 000	2 900
2013	Tin Shui Wai Light Rail Terminus	196 000	980 000	1 500

Note:

- # Since the estimated value of the development project is sensitive commercial information, the MTRCL cannot provide information on the land premium per sf of floor area estimated at the time of tendering.

Annex C

Property Development Projects owned by the MTRCL and being planned

<i>Project Name</i>		<i>Estimated Flat Number (About)</i>	<i>Implementation Progress</i>
Tseung Kwan O Area 86	Package 4	1 600	Tendered from 28 March 2014 to 28 April 2014
	Remaining Packages	11 900	Planned for tendering by phase from 2014-2015 onwards
Tai Wai Station		2 900	Planned for re-tendering in 2014-2015
Tin Shui Wai Light Rail Terminus		1 500	The MTRCL is exploring the way forward
Wong Chuk Hang Station		4 700	To be determined
Homantin Station		1 400	To be determined

Escape Facilities in Buildings for Persons with Disabilities

8. **DR FERNANDO CHEUNG** (in Chinese): *President, the Buildings Department (BD) has implemented the Code of Practice for Fire Safety in Buildings 2011 (the Code) since 1 April 2012. Yet, organizations of persons with disabilities and experts on universal designs criticize the Code for being incomprehensive as it does not require the installation of escape facilities in buildings for persons with disabilities. They urged the Government to conduct consultations with persons with disabilities and review the Code. Besides, the Equal Opportunities Commission (EOC) made a submission to the BD in February 2012 expressing concern about the absence of relevant provisions in the Code on the provision of means of escape for persons with disabilities in case of fire. In response to the advice of the EOC and relevant stakeholders, the BD has undertaken to incorporate requirements for the provision of means of escape for persons with disabilities in case of fire in the Code, but it has not yet proceeded with the amendments so far. In this connection, will the Government inform this Council:*

- (1) *given that under Articles 10 and 11 of the United Nations Convention on the Rights of Persons with Disabilities, states parties shall take all necessary measures to ensure effective enjoyment of the inherent right to life by persons with disabilities on an equal basis with others and ensure the protection and safety of persons with disabilities in situations of risk, whether the authorities have assessed if the Code complies with the requirements of such articles;*
- (2) *whether there were persons with disabilities being injured or killed in fire in the past five years due to the lack of proper escape facilities in buildings; if so, of the number of cases each year and the causes of their injuries;*
- (3) *of the number of existing social welfare service facilities and education facilities for persons with disabilities, including special schools, residential care homes, day care service centres and district support centres, not meeting the requirements of the Code, as well as the names of the service units concerned; and*
- (4) *of the timetable for amending the Code and the amendments to be made; if no timetable is available, of the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the Government strives to assist persons with disabilities to access buildings and use the facilities therein freely on an equal basis with others. In this connection, the BD regularly reviews and updates the planning, design and construction standards of buildings as prescribed in the Buildings Ordinance (BO) and its subsidiary legislation, as well as practice notes, codes of practice and design manuals, to ensure that buildings subject to the control of the BO would provide suitable access and facilities for persons with disabilities.

Following the completion of a consultancy study and consultation with the building industry, the BD in September 2011 promulgated the "Code of Practice for Fire Safety in Buildings 2011" (the Fire Code) to prescribe the standards on means of escape, means of access for firefighting and rescue, and fire resisting construction in buildings (such as the minimum width of exit routes, the fire resisting rating of fire barriers, the number of access staircases and fireman's lifts required, and so on). Generally speaking, proposed buildings adopt these standards, and when the BD vets the building plan submission of such buildings, the requirements on fire safety under the BO and the building regulations shall be deemed to be complied with. As to other proposed designs not following the code in full, the BD when vetting the plan submission will consider whether the design can fulfill the requirements on fire safety under the BO and the building regulations to the same extent. The Fire Code came into effect in April 2012.

My reply to the four-part question is as follows:

- (1) The Government is committed to complying with the requirements of the United Nations Convention on the Rights of Persons with Disabilities, including taking necessary measures to ensure the effective enjoyment of the inherent right to life by persons with disabilities on an equal basis with others, as well as the protection and safety of persons with disabilities in situations of risk. In conducting the abovementioned consultancy study to formulate the Fire Code, the BD and the Steering Committee, which comprised representatives from professional institutes, building industry, academia and relevant government departments, had studied in detail the need for putting in place means of escape for persons with disabilities, and made reference to relevant overseas requirements. After balancing building management, the need to cater for firefighting and rescue and the "Design Manual — Barrier Free Access" implemented in 2008, the prevailing Fire Code provides

guidance to assist persons with disabilities in obtaining suitable protection in the event of fire, such as making provision for places for temporary protection and installing an intercom connecting to the management office of the building.

- (2) In its fire incident reports, the Fire Services Department did not record whether the person injured or killed was a person with disabilities, and therefore we are unable to provide the statistical information requested in the question.
- (3) Before the implementation of the Fire Code in April 2012, the fire safety design of buildings had to comply with the then prevailing standards and requirements. As to building plans submitted in or after April 2012 under the BO for constructing social welfare service facilities and education facilities on land subject to the control thereunder, same as other types of buildings, their design and construction standards must comply with the requirements of the prevailing Fire Code. The BD does not maintain the number and name list of the facilities concerned.
- (4) In 2012, the EOC and certain concern groups for persons with disabilities expressed concern on the Fire Code to the BD, and recommended that the requirement on means of escape for persons with disabilities under the code should be enhanced. In view of the concern and recommendation, the BD set up a working group in August 2012, comprising representatives from the EOC, Hong Kong Council of Social Service, Rehabilitation Advisory Committee, professional institutes, building industry and relevant government departments, to review afresh the feasibility of requiring the provision of means of escape for persons with disabilities under the Fire Code. After discussion, the working group recommended that the Fire Code should be amended to require new buildings to provide temporary refuge spaces for persons with disabilities. The recommendation was then passed to the Technical Committee on the Fire Code for follow-up. Upon finalization of the technical details and consultation with the Building Sub-committee under the Land and Development Advisory Committee, and the Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Committee, the BD promulgated on 25 April 2014 amendments to the Fire Code, which requires temporary refuge

spaces to be provided for persons with disabilities on every floor of a new building. The requirement will come into effect on 25 October 2014.

Ancillary Transport Facilities in Lei Yue Mun

9. **MS STARRY LEE** (in Chinese): *President, quite a number of tourists go by coach and local residents go by car to Lei Yue Mun, an internationally acclaimed tourist attraction famous for seafood, to patronize the restaurants there. Last year, the Planning Department proposed that two sites at Lei Yue Mun Path currently used as temporary open-air car-parks be rezoned for private residential uses, and subsequently even decided to increase the plot ratio of the sites from the original 5.5 to 9. Some restaurant operators in Lei Yue Mun have relayed to me that the closure of the temporary car-parks will strike a blow to the business of their restaurants. Although the aforesaid residential development will provide 200 public parking spaces in future, the population growth arising from the residential development will worsen the traffic congestion and shortage of public parking spaces in the district, thus impeding the development of Lei Yue Mun as a tourist attraction. In this connection, will the Government inform this Council:*

- (1) *of the existing number of public parking spaces in Lei Yue Mun and their geographical distribution; the demand for public parking spaces in the district; whether it knows the respective utilization rates of the two aforesaid open-air car-parks during peak hours at night during holidays;*
- (2) *whether, in order to alleviate the tight supply of parking spaces in Lei Yue Mun, it will consider specifying in the land sale conditions of the aforesaid and the neighbouring private residential developments the provision of more public parking spaces by the developers; if it will, of the details; if not, the reasons for that;*
- (3) *whether it will, during the construction of the aforesaid private residential development, take measures (for example, providing new temporary car-parks) to prevent the shortage of public parking spaces in Lei Yue Mun from worsening; if it will, of the specific measures to be taken, the implementation timetable and the number*

of public parking spaces to be provided; if not, the reasons for that; and

- (4) *whether it will, from the perspective of promoting the long-term development of district tourism, enhance the ancillary transport facilities in Lei Yue Mun, including providing additional public parking spaces and more convenient places for coach parking, as well as addressing the traffic congestion problem in the district; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, when proposing the rezoning of the existing site which is being used as two open-air car parks under short-term tenancy (STT) at Lei Yue Mun Path to private residential development, the Government has duly considered the traffic situation of the Lei Yue Mun area and a number of factors, such as the convenience and efficiency of public transport (including public buses, MTR trains, green minibuses and taxis, and so on), the supply and demand of parking spaces within the area as well as the needs of the tourism industry and restaurants, and so on.

My reply to Ms Starry LEE's question is as follows:

- (1) The number and location of public parking spaces for private cars in Lei Yue Mun and its vicinity are at Annex. The demand and utilization rates of these parking spaces vary in different hours of the day. Taking the two open-air car parks under STT at Lei Yue Mun Path as an example, their utilization rates sometimes reach 90% or above during peak hours (that is, around 8 pm to 10 pm during holidays) but fall to lower levels in other periods, with the lowest utilization rate of only about 10%.
- (2) The existing site which is being used as two open-air car parks under STT at Lei Yue Mun Path provides a total of 136 temporary parking spaces for private cars. Locating at the fringe of Yau Tong residential area, the site is suitable for residential development. In January 2013, the Government consulted the Kwun Tong District Council (KTDC) and members of the public on the proposed residential use before amending the relevant Outline Zoning Plan. The KTDC gave its in-principle support and requested the provision

of parking spaces at the site not less than that being provided by the existing temporary car parks. Taking into account the views of the KTDC and the public, the Government revised the development proposal as appropriate and increased the number of public parking spaces to be provided to not less than 200, which is an increase of nearly half (47%) of the existing 136 parking spaces. As for other new developments within the area, the Government will examine the provision of additional public parking spaces at those developments if the demand is keen and the developments are of suitable size and location.

- (3) During the construction period of the above proposed private residential development, the Government is of the preliminary view that part of an adjoining "Government, Institution or Community" site can be considered for temporary use as a fee-paying public car park to cope with the demand for public parking spaces during the transitional period. The tendering exercise is already underway. The Government will continue to explore whether there are other suitable sites for the provision of temporary parking spaces.
- (4) Currently, vehicles queuing along the downhill lane of Shung Shun Street for entering into the temporary open-air car parks at Lei Yue Mun Path during peak hours results in busier traffic in the Lei Yue Mun area. To alleviate the traffic situation, the Government plans to convert the carriageway from single-lane to two-lane at the downhill section of Shung Shun Street between Yan Wing Street and Lei Yue Mun Path so as to enhance the traffic capacity, on the condition that the existing loading/unloading facilities will not be affected. The Government is conducting trial pit investigation, the findings of which will be taken into account in the subsequent design and construction work. Regarding the provision of additional public parking spaces, as mentioned in part (2) of the reply, the Government has required the provision of not less than 200 public parking spaces under the development project concerned. Apart from maintaining the alighting/boarding facilities for coaches at Lei Yue Mun Path, the Government plans to add six more parking spaces for coaches along Shung Shun Street. District consultation for the proposal is underway. If the proposal is supported by the local communities, it will be implemented as soon as possible.

Number and location of public parking spaces for private cars
in Lei Yue Mun and its vicinity

<i>Location</i>	<i>Name of building</i>	<i>Number of private car parking spaces</i>
Tung Yuen Street	Gloria Weaving & Knitting Factory	20
Sze Shan Street	Yau Tong Industrial Building	10
Ko Fai Road	Yau Tong Industrial City	56
Sze Shan Street	Wah Fai Industrial Building	4
Shung Shun Street	Ocean One	5
Cha Kwo Ling Road	Sunray Industrial Centre	10
Ko Fai Road	Ko Fai Industrial Building	63
Cho Yuen Street	The Spectacle	5
Ko Chiu Road	Ko Chun Court	32
Ko Chiu Road	Ko Yee Estate	3
Lei Yue Mun Path	Lei Yue Mun Sports Centre	47
Lei Yue Mun Road	Ko Cheung Court	17
Lei Yue Mun Road	Yau Mei Court	70
Yan Wing Street	Lei Yue Mun Estate	33
Yau Tong Lane	Yau Lai Shopping Centre	103
Lei Yue Mun Path	Car park under STT	136
Tung Yuen Street	Car park under STT	26
Yan Yue Wai	Car park under STT	96
Total:		736

Retirement Age for Security Guards

10. **MR WONG KWOK-KIN** (in Chinese): *President, under the Security and Guarding Services Ordinance (Cap. 460)(the Ordinance), no person is allowed to do security work for reward unless he has been issued with a Security Personnel Permit (Permit). According to the criteria set by the Security and Guarding Services Industry Authority (SGSIA), there is an upper age limit of 65 years for engaging in Category B security work (that is, guarding work in respect of any persons, premises or properties, the performance of which does not require the carrying of arms and ammunition), whereas there is no upper age limit for engaging in Category A security work (that is, guarding work restricted to a*

"single private residential building", the performance of which does not require the carrying of arms and ammunition). Therefore, once security guards holding Category B Permits have reached the age of 65, their Permits will not be renewed even if their employers want them to stay on and make representations to the SGSIA. As a result, there is a shortfall of security guards holding Category B Permits in the market, rendering some employers being unable to recruit such kind of security guards. On the other hand, some security guards and employers have relayed to me that, although security guards holding Category B Permits may switch to apply for Category A Permits, the number of single private residential buildings is dwindling along with the redevelopment of old districts, resulting in fewer posts for Category A Permit holders who are therefore forced to retire at the age of 65, losing their means of livelihood. In this connection, will the Government inform this Council:

- (1) whether it knows the current number of security guard posts available for Category B Permit holders across the territory and, among them, the number of those available for Category A Permit holders, with a breakdown by the 18 District Council districts;*
- (2) of the current number of Category A Permit holders who are above the age of 65;*
- (3) of the number of Category B Permit applications/renewal applications rejected in each of the past five years for the reason that the applicants were 65 years old or above; and*
- (4) whether the authorities will request the SGSIA to (i) consider expanding the types of buildings for which Category A Permit holders, are allowed to perform guarding work, and (ii) consider, by drawing reference to the criteria for issuing Category A Permits, relaxing the upper age limit for Category B Permit holders; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, the Administration's consolidated reply to the issues raised is as follow:

The purpose of the Ordinance is to ensure, through a licensing system, that the quality of security and guarding services provided by personnel or companies

are of a high standard, so as to assist the law-enforcement agencies in preventing and detecting crimes, and protecting the lives and properties of the citizens.

According to the Ordinance, any person performing security work for reward must hold a valid Security Personnel Permit (SPP) issued by the police. There are four categories (A, B, C and D) of SPP. Category B SPP covers a wide scope of security service. Its holders can perform guarding works which does not require the carrying of arms and ammunition in respect of any persons, premises (such as banks, shopping malls and commercial buildings) or properties. Taking into consideration the requirements on the personnel's physical ability and alertness to perform these types of guarding work, as well as the importance of such services to the community, the Administration set the current upper age limit for Category B SPP at 65 years old. Persons over 65 years old may apply for Category A SPP. Holders of Category A SPP may perform guarding work which does not require the carrying of arms and ammunition for "single private residential buildings" (SPRB). A SPRB means an independent structure used substantially for private residential purpose and with only one main access point. "Main access point" means the entrance gate or lift lobby or staircase commonly used by residents to gain access to their flats, excluding emergency and fire exit. Individual blocks of residential estates which have only one main access point usually comply with this definition.

According to record, in the past five years there was no application to the police for Category B SPP from applicants at or above 65 years old. As at 31 March 2014, there were about 265 000 holders of Category B SPP. Among them, about 124 000 were employed to perform security and guarding work. We do not have statistics on job posts held by Category B Permit holders. As at 31 March 2014, there were about 21 000 Category A Permit holders at or above 65 years old.

In considering whether to relax the criteria for issuing SPP, the Administration need to pay heed to the purposes of the regulatory regime, as well as the quality and standard of security and guarding service. We would pay close attention to relevant public views, keep up our dialogue with the security and guarding service sector, and conduct reviews on a timely basis.

Development of Lantau Island

11. **MR JEFFREY LAM** (in Chinese): *President, the Chief Executive has stated in the 2014 Policy Address that the Government will explore ways to further develop the eastern waters off Lantau Island and neighbouring areas, with a view to developing an East Lantau Metropolis, which will become a new core business district. Also, to dovetail with the completion of the Hong Kong Boundary Crossing Facilities (HKBCF) Island of the Hong Kong-Zhuhai-Macao Bridge (HK-ZMB), the Government will explore the feasibility of developing commercial facilities at the HKBCF so as to develop its potential for a "bridgehead economy". Regarding the development of Lantau Island, will the Government inform this Council:*

- (1) *of the estimated number of jobs in the construction industry to be created by the major infrastructure projects relating to the development of the East Lantau Metropolis; whether it has assessed if there will be adequate local workers in the construction industry to meet the manpower demand of such projects; if it has assessed and the result is in the negative, whether the authorities will import foreign labour; if so, of the details; if not, the reasons for that;*
- (2) *as the Government has stated that it has carried out a preliminary review of the relevant supporting infrastructure at the HKBCF to explore the feasibility of developing major shopping, dining, entertainment and hotel facilities there, of the details of the preliminary review and the timetable for the completion of such commercial facilities; and*
- (3) *given that the HK-ZMB and the Tuen Mun-Chek Lap Kok Link are to be completed in 2016 and 2018 respectively, whether it has assessed the economic loss arising from failure to concurrently complete the commercial facilities to be developed at the HKBCF; if it has assessed, of the result; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): *President, given its proximity to the Hong Kong International Airport, Lantau Island would see its*

position as a strategic transport hub further enhanced when the strategic transport infrastructures, such as the HK-ZMB and Tuen Mun-Chek Lap Kok Link, commence operation. With appropriate planning, the HKBCF Island of the HK-ZMB and the artificial islands in the eastern waters off Lantau Island could create synergy with the various existing and planned economic infrastructures in Lantau boosting the economic benefits and satisfying the long-term needs of housing, social and economic developments in Hong Kong.

My reply to the three parts of Mr Jeffrey Lam's question is as follows:

- (1) We are seeking funding approval from the Finance Committee of the Legislative Council for strategic studies on proposed artificial islands in the central waters to explore the feasibility of constructing one or more artificial islands in the central waters between Hong Kong Island and Lantau and of developing the East Lantau Metropolis (ELM) on the artificial islands in the eastern waters off Lantau and neighbouring areas. Regarding issues on the number of construction workers to be required and whether there will be a need for imported workers for development of the ELM, they will be thoroughly investigated during detailed design stage having regard to the scale of the artificial islands.
- (2) In the third quarter of 2013, the Development Bureau, in collaboration with the Planning Department and Civil Engineering Development Department, conducted a general review on the proposed topside commercial development on the HKBCF Island of the HK-ZMB. The review preliminarily confirmed that there would not be any insurmountable technical problems in aspects of transportation, infrastructure and environmental impact, and so on, for this proposed commercial development. We are seeking funding approval from the Finance Committee to engage consultants to conduct a planning, engineering and architectural study (the Study) on the overall development concept of the proposed commercial development on the HKBCF Island of the HK-ZMB including the scope and scale of the development, associated supporting infrastructures, implementation programme, financial assessment, market positioning and operation strategy. If the

Finance Committee supports the funding application, the Study will commence in August this year for completion in the latter half of 2016.

- (3) Regarding the economic benefits to be brought about due to the proposed commercial development on the HKBCF Island of the HK-ZMB, we plan to incorporate into the Study financial and commercial viability studies to carry out the estimation and analysis based on the proposed scale of the development. We will report to the Legislative Council after the results of the Study are available.

Delay in Completion of Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link

12. **MR TONY TSE** (in Chinese): *President, the Secretary for Transport and Housing (the Secretary) said on the 15th of this month that, based on the progress update provided by the MTR Corporation Limited (MTRCL) in relation to the project to construct the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL project), the targets as at the end of last year remained to be that the construction works would be completed in 2015 as originally scheduled and then, after a period of six to nine months for testing and trial runs, the rail service would be officially commissioned. However, the MTRCL notified the Secretary on the 12th of this month that the XRL project would be subject to some delay and it would not be possible for the works to be completed in 2015. The Secretary said that he was "totally caught by surprise" by such information. According to the information released by the MTRCL on the 15th of this month, completion of the XRL project will be delayed to 2016, and the rail service will not be commissioned until 2017 after testing and trial runs. In this connection, will the Government inform this Council:*

- (1) *whether it knows, based on the latest assessment, the official commissioning date of the XRL Hong Kong Section; whether it has assessed the impacts of the delay of the XRL project on the overall cost of the project as well as on the economy and overall development of Hong Kong; if it has assessed, of the outcome and the corresponding measures to be taken by the authorities;*
- (2) *whether it has reviewed if the existing monitoring system is unable to make the Government aware earlier of the delay in the XRL project;*

if it has reviewed, of the outcome; whether the Government will comprehensively review and adjust the monitoring system; if it will, of the details; if not, the reasons for that;

- (3) *whether the Government had in the past verified all the information on the XRL project (including results of works progress assessments) submitted to it by the MTRCL; if it had, of the method and findings of the verification, and whether it had imposed any penalties when it found that the information was incorrect and the corresponding measures taken; if it had not verified, the reasons for that, and whether it will step up the verification efforts in the future; how it ensures that the MTRCL will not delay notifying the Government of the latest information on works progress or conceal such information from the Government; and*
- (4) *given that the Secretary said that he had instructed the Director of Highways to conduct an independent review and assessment on the delay of the XRL project, of the specific areas covered by such review and assessment, the relevant details, the expected time of completion and submission of report, and whether the Government will make public the relevant report?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to the four parts of Mr Tony TSE's question is as follows:

The Government has entrusted the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) to the MTRCL. Construction works commenced in January 2010. The Government has all along been monitoring work progress through the Railway Development Office of the Highways Department and the established Project Supervision Committee as well as the relevant monitoring mechanisms, and has regularly reported the construction progress of the Hong Kong section of the XRL to the Subcommittee on Matters Relating to Railways (RSC) of the Legislative Council.

Since last year, we have repeatedly expressed various concerns to the MTRCL on the works progress of the Hong Kong section of the XRL. Discussions have been held with the MTRCL and the MTRCL has all along explained that suitable measures will be implemented to ensure the timely

completion of the construction of the Hong Kong section of the XRL. On 22 November last year, we reported the construction progress to the RSC. Based on the information provided by the MTRCL and having discussed in detail with the MTRCL, we informed the Legislative Council that our target was to complete the works for the Hong Kong section of the XRL in 2015. Thereafter, testing and trial runs which would usually take six to nine months would be conducted before the commissioning of the Hong Kong section of the XRL. This had remained our target and MTRCL had all along stressed that works had been planned to meet this target. On 12 and 13 April this year, I was informed by the Chief Executive Officer and Chairman of MTRCL respectively that, based on the latest assessment of the progress of the works, it would not be possible to complete the construction of the Hong Kong section of the XRL by 2015; and the completion date would be postponed to 2016. With the time required for testing and trial runs to ensure safe operations, the opening of the line for service will be in 2017.

The Government has been treating the delay of the construction of the Hong Kong section of the XRL very seriously, and has immediately requested the MTRCL to provide the Government with a full assessment report on the progress of the construction work as soon as possible; at the same time, I have tasked the Director of Highways to conduct an independent review and assessment of the project progress.

At the meeting of the RSC on 5 May, the Government and the MTRCL will give a full account on the latest position of the construction of the Hong Kong section of the XRL, the details of the delay, the construction monitoring mechanism, and so on. The issues which Mr Tony TSE is concerned about will be covered.

Assistance for Retiring and Retired Athletes

13. **MR FRANKIE YICK** (in Chinese): *President, since 2008, the Sports Federation and Olympic Committee of Hong Kong, China has received government funding to implement the "Hong Kong Athletes Career and Education Programme" (HKACEP) to support athletes in areas such as career development and pursuit of academic studies, and so on, including helping retired athletes and those who are about to retire to plan for a second career. In addition, the Hong Kong Sports Institute launched in 2008 the "Athletes Integrated Educational and Vocational Development Programme" (AIEVDP) to*

provide athletes with support in education and career development. In this connection, will the Government inform this Council:

- (1) of the number of retired athletes who applied for joining the HKACEP and the number of those who received assistance under the HKACEP, together with a breakdown by the support programme (including the language enrichment course, life skills and mentorship programme, scholarship programme for tertiary education, career programme, and so on), in the past five years; the amount of grants receivable by an athlete under the HKACEP, and whether they are granted any subsistence allowance;*
- (2) of the number of retiring athletes assisted by the AIEVDP, the areas in which these athletes were provided with support and the amount of grants received by them, and the number of athletes who benefited from the AIEVDP and its percentage in the total number of serving full-time athletes, in the past five years; and*
- (3) given that the aforesaid two programmes have operated for more than five years, whether the authorities will conduct a review to perfect them; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, in a bid to help athletes achieve diversified development in sports, academic studies and career, the Home Affairs Bureau, in co-operation with various stakeholders, including the Hong Kong Sports Institute (HKSI) and the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC), offers educational and career support to athletes so that they may plan for further academic pursuits or a "second career" after retirement, while dedicating themselves to training and taking part in competitions. My reply to the various parts of the question is as follows:

- (1) Since the implementation of the HKACEP offered by the SF&OC from September 2008 to the end of March this year, there were around 3 000 counts of athletes using the HKACEP services. A breakdown of programmes (including the number of beneficiaries and the amount of grants receivable) is at Annex 1. Scholarships under the HKACEP are mainly for subsidy of athletes' tuition fees, while living expenses are excluded.

- (2) In the past five years, a total of 1 257 elite athletes participated in the AIEVDP organized by the HKSI, among whom 144 had plans to retire. The AIEVDP renders diversified support to athletes in educational and career development, including tutorial support, education subsidy, coach training, personal development and exchange/learning. A breakdown of such programmes is at Annex 2.
- (3) The Home Affairs Bureau has been working closely with the HKSI and the SF&OC to provide support to serving and retired athletes in educational and career development. In addition to the programmes offered by the HKSI and the SF&OC, serving athletes and athletes who have retired for less than two years may apply for tuition grants and subsistence allowance from the Hong Kong Athletes Fund (HKAF) for approved certificate, diploma or degree courses run by educational institutions in Hong Kong. In the past three financial years, a total of 34 athletes received grants amounting to around \$3.5 million from the HKAF for further studies. To monitor the effectiveness of various programmes and enhance the relevant measures, we shall continue to participate in the work of various committees under the HKSI and the HKACEP, as well as garner athletes' views through the HKSI and the SF&OC.

Annex 1

Sports Federation & Olympic Committee of Hong Kong, China
Hong Kong Athletes Career & Education Programme

<i>Programme Coverage</i>	<i>Beneficiaries</i>	<i>Amount of Grants</i>
Seminars & Workshops on Education, Career Development and Athletes Affairs	1 784	Not applicable.
Integrated General English Course	475	100% tuition grants on annual basis.
Consultation Services on Athletes' Education and Career Development	345	Not applicable.

<i>Programme Coverage</i>	<i>Beneficiaries</i>	<i>Amount of Grants</i>
Life Skills and Mentorship Programme	227	Not applicable.
Career Programme (Job Opportunities)	77	Not applicable.
Ambassador Programme	38	Not applicable.
Scholarship Programme for Post-secondary Education & Vocational Skills Training	35	For 2-year full-time programmes, the maximum grant is \$60,000 per year; for programmes less than one year, the maximum grant is \$10,000. □ A maximum grant of \$3,000 for study material expenses for the approved study programmes.
Scholarship Programme for Undergraduate	15	Maximum grant of \$60,000 per year for full-time programmes (no more than four years) and \$48,000 per year for part-time programmes (no more than five years).
Language Enrichment Course	8	Maximum grant of \$12,000.
Academic Enhancement Scheme for Post-secondary and Undergraduate	5	Maximum grant of \$24,000 per year.
Total :	3 009	

Annex 2

Hong Kong Sports Institute
Athletes Integrated Educational & Vocational Development Programmes

<i>Programmes</i>	<i>Beneficiaries</i>	<i>% against number of full time athletes</i>	<i>Amount of Grants</i>
Elite Athletes Development Programme	725	74.13%	Not applicable.
Elite Athletes Tutorial Support	330	33.74%	Not applicable.

<i>Programmes</i>	<i>Beneficiaries</i>	<i>% against number of full time athletes</i>	<i>Amount of Grants</i>
Elite Athletes Education Subsidy	130	13.29%	<p><i>Level One (Junior Level Achievement)</i> Reimbursement of 40% of annual tuition fees up to a maximum of \$10,000.</p> <p><i>Level Two (Senior Level Achievement)</i> Reimbursement of 80% of annual tuition fees up to a maximum of \$20,000.</p> <p>Eligible athlete can apply for subsidy for one programme each year, up to a maximum of four years</p>
Elite Athletes Exchange Programme	57	5.83%	Not applicable.
Elite Coaching Apprenticeship Programme	15	1.53%	Under this programme, the athlete will be a part-time employee of the HKSI for a period of 12 months, up to a maximum of 80 hours per month with an allowance of \$130 per hour and fringe benefits including insurance coverage, MPF, employer's contribution, statutory holidays and annual leave entitlement.

Revenues from Special Stamp Duty and Buyer's Stamp Duty

14. **MS CYD HO** (in Chinese): *President, regarding the revenues from the Special Stamp Duty (SSD) and the Buyer's Stamp Duty (BSD), will the Government inform this Council:*

- (1) *of the number of residential property transactions subject to the payment of the SSD as well as the total value of the properties*

concerned and the total amount of duty involved, in each month since the implementation of the SSD in November 2010, together with a breakdown by District Council (DC) district where the relevant properties are located; and

- (2) *of the number of residential property transactions subject to the payment of the BSD as well as the total value of the properties concerned and the total amount of duty involved, in each month since the implementation of the BSD in October 2012, together with a breakdown by DC district where the relevant properties are located?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the information requested in Ms Cyd HO's question is as follows:

Special Stamp Duty (SSD)

According to the Stamp Duty (Amendment) Ordinance 2011, which introduced the SSD and was gazetted on 30 June 2011, if a residential property was acquired on or after 20 November 2010 and had subsequently been resold within 24 months, the relevant transaction would be subject to the SSD. The rates of the SSD ranged from 5% to 15% of the value of the transaction, depending on the holding period of the residential property concerned. The Inland Revenue Department (IRD) had started collecting the SSD from all residential property resale cases that were subject to the SSD since July 2011 after the gazettal of the Amendment Ordinance, which include all relevant transactions that took place between 20 November 2010 and the gazettal of the Amendment Ordinance.

In view of the exuberant residential property market, the Government announced the introduction of a new round of demand-side management measures on 26 October 2012, which included the enhancement to the SSD, in order to further combat short-term speculative activities and to ensure the healthy and stable development of the residential property market. Under the enhanced SSD regime, the SSD rates have been increased to 10% to 20% of the value of the transaction, and the relevant holding period has also been extended to 36 months. The Stamp Duty (Amendment) Ordinance 2014 implementing the enhanced SSD was gazetted on 28 February 2014. Since March 2014, the IRD has collected the SSD from residential property transactions that are subject to the enhanced SSD in accordance with the enhanced regime, which include all relevant

transactions that took place between 27 October 2012 and the gazettal of the Amendment Ordinance.

The monthly breakdown of residential property transactions involving the SSD, as well as the duty value involved since the collection of the SSD following the enactment of the abovementioned amendment ordinances are as follows:

<i>Month</i>	<i>Number of Cases</i>	<i>Duty value (\$million)</i>
July 2011	12	2.8
August 2011	17	5.5
September 2011	7	2.5
October 2011	19	6.4
November 2011	15	2.7
December 2011	11	2.8
January 2012	17	6.9
February 2012	19	3.4
March 2012	108	18.5
April 2012	93	15.3
May 2012	123	17.7
June 2012	139	25.0
July 2012	112	15.9
August 2012	211	37.1
September 2012	237	37.0
October 2012	292	49.3
November 2012	254	49.1
December 2012	150	30.9
January 2013	187	37.7
February 2013	160	32.6
March 2013	157	35.7
April 2013	117	23.5
May 2013	131	21.6
June 2013	140	26.9
July 2013	119	21.9
August 2013	111	25.1
September 2013	95	17.8
October 2013	100	18.4
November 2013	70	11.5

<i>Month</i>	<i>Number of Cases</i>	<i>Duty value (\$million)</i>
December 2013	91	17.2
January 2014	70	16.5
February 2014	43	7.3
March 2014	46	11.9
Total	3 473	654.4

Buyer's Stamp Duty (BSD)

In the new round of demand-side management measures announced on 26 October 2012, the Government also suggested imposing a BSD on residential property transactions if the purchasers or transferees concerned were not Hong Kong permanent residents acting on their own behalf. The rate of BSD is set at 15% of the value of the relevant residential property transaction. The Stamp Duty (Amendment) Ordinance 2014 implementing the BSD was gazetted on 28 February 2014. The IRD has started collecting the BSD from residential property transactions that are subject to the BSD since March 2014, including all relevant transactions that took place between 27 October 2012 and the gazettal of the Amendment Ordinance.

The IRD is reviewing all cases that may be subject to the BSD. The monthly breakdown of residential property transactions that involve the BSD, as well as the duty value involved since the collection of the BSD in March 2014 are as follows:

<i>Month</i>	<i>Number of Case</i>	<i>Duty value (\$million)</i>
March 2014	1 827	3,310

The IRD does not have any breakdown of the abovementioned SSD and BSD cases by their total amount of consideration or by District Council districts to which the relevant properties relate.

Total Loans and Advances for Use in Hong Kong

15. **MR NG LEUNG-SING** (in Chinese): *President, according to the financial statistics published by the Hong Kong Monetary Authority (HKMA), the year-on-year increases in the total loans and advances for use in Hong Kong provided by authorized institutions in January and February this year were 15.6% and 20.9% respectively, while such growth rates for the corresponding*

periods last year were only 9.2% and 8% respectively. In this connection, will the Government inform this Council if it has studied:

- (1) the causes of the relatively higher growth rates in the total loans and advances in the first two months of this year; whether an increase in local economic activities was one of the causes; if so, of the contribution of such economic activities to the growth in the Gross Domestic Product;*
- (2) the relatively higher growth rates in the total loans and advances in the first two months of this year can mainly be attributed to which industries' increased demand for funds; and*
- (3) whether the relatively higher growth rates in the total loans and advances will increase the systemic risks of Hong Kong's financial system; if it has studied and the outcome is in the affirmative, of the authorities' corresponding measures?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, according to the statistics of the HKMA, the banking sector's residential mortgage loans increased slightly (3.8% year-on-year) in the first two months of 2014, whilst other loans for use in Hong Kong and trade finance both recorded a double-digit growth. In February 2014, the growth in loans for use in Hong Kong was to a certain extent affected by short-term IPO-related loans straddling the month-end. Excluding these short-term loans, the year-on-year loan growth rate would fall from 20.9% to 18.7%. Detailed analysis of growth in loans for use in other economic sectors can only be conducted after banks submit the relevant data for the first quarter of 2014.

Generally speaking, bank loans provide capital to support economic activities hence contributing to economic development. The monitoring and supervision of the relevant risk is premised on the prudent credit underwriting standards adopted by banks to avoid excessive lending which may lead to risks of asset price bubbles and a rising credit cost. In light of the rapid loan growth in the banking sector in recent years, one of the supervisory focuses of the HKMA has been on banks' relevant risk management. Specific measures include the following:

- (1) Regular and thematic onsite examinations are conducted to ensure that banks have adopted prudent credit underwriting standards. So far, the HKMA has not identified major weaknesses in relation to banks' compliance with such standards;
- (2) Banks with a high loan growth are subject to the "stable funding requirement" by the end of 2013, to ensure that their loan growth is supported by adequate long-term funding and would therefore be more sustainable against any possible future deterioration in the liquidity situation; and
- (3) Regular supervisory stress-testing is conducted to assess banks' resilience to credit shocks.

The HKMA will continue to monitor the loan growth in the banking sector and, if necessary, adjust the relevant supervisory measures in order to maintain the stability of the banking system.

Recovery Agents and Law Firm Representatives Persuading Workers Injured at Work to Make Claims for Compensation

16. **MR CHAN KIN-POR** (in Chinese): *President, recently, some workers who were injured at work have pointed out that in the public areas of various public hospitals' departments which are responsible for making medical assessments for injured workers, branch offices of the Employees' Compensation Division of the Labour Department (LD) as well as offices of the Occupational Medicine Unit of LD (such places), there are often some recovery agents or law firm representatives persuading, by champertous claims such as "no win, no charge", workers injured at work to hire them for making compensation claims. According to the results of a questionnaire survey conducted by the Hong Kong Workers' Health Centre in December last year, more than 60% of the respondents who were workers injured at work indicated that they had been approached by recovery agents or law firm representatives, and more than 70% considered it necessary to ban such persons from staying in such places. In this connection, will the Government inform this Council:*

- (1) *of the number of complaints received in the past five years by the authorities from workers injured at work about being harassed by recovery agents or law firm representatives in such places;*

- (2) *how the LD and various public hospitals currently deal with the situation of unauthorized persons staying in such places; whether the authorities will explore the setting up of restricted zones in such places; if so, of the details; if not, what other measures are in place to prevent workers injured at work from being harassed in such places;*
- (3) *of the details of the publicity efforts currently made by the authorities to convey to workers injured at work the risks involved in hiring recovery agents and lawyers who engage in champerty; whether they will step up the publicity efforts; and*
- (4) *of the respective numbers of suspected champerty cases relating to work injury claims investigations into which were conducted and prosecutions on which were instituted, by the authorities in the past five years and, among such cases, the number of persons concerned who were convicted and the details of these cases; whether they will step up the related investigation and prosecution efforts; if so, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Government attaches great importance to the problem caused by recovery agents. To address the problem proactively, the Government has been enhancing public education, and stepping up law enforcement including investigation and prosecution.

My reply to the question raised by Mr CHAN Kin-por is set out below:

- (1) The numbers of complaints received by the Government in the past five years from workers injured at work about being harassed by recovery agents or law firm representatives in the public areas of conducting medical assessment boards for injured workers in public hospitals, branch offices of the Employees' Compensation Division and the Occupational Medicine Unit of the LD (such places) are as follows:

<i>Year</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Total	0	1	5	3	6

- (2) The Government has set up restricted zones in such places with details below:
- (i) designating "no-staying zones" at the corridors and lobbies of branch offices of the Employees' Compensation Division and the Occupational Medicine Unit of the LD so as to prohibit unauthorized persons from staying there; and
 - (ii) designating the waiting areas outside medical assessment boards as restricted areas during the conduct of medical assessment by individual public hospitals having regard to their circumstances and needs to deny access by unrelated persons.

In addition, the Government has implemented the following measures to prevent injured workers from being harassed by recovery agents or law firm representatives in such places:

- (i) posting notices or posters to prohibit touting activities and raise public awareness of touting activities of recovery agents or law firm representatives;
 - (ii) stationing of security guards and enhancing patrols in the vicinity of the public areas outside medical assessment boards. Security guards will ask recovery agents or other people distributing related pamphlets, if any, to leave;
 - (iii) installing CCTV at the waiting areas of medical assessment boards to monitor and deter touting activities; and
 - (iv) drawing up guidelines on the prohibition of touting activities.
- (3) To increase public awareness of the risks of the activities of recovery agents, the Government has taken out various publicity measures to draw the attention of injured workers to the possible pitfalls in seeking help from recovery agents and lawyers engaged in champerty:
- (i) making arrangements for the broadcast of Announcement in the Public Interest (API) on radio and television since 2008. In 2013, APIs on this subject were broadcast for 1 258 and 1 110 times on radio and television respectively. The APIs

broadcast will continue as part of our efforts to alert the public, including injured workers, of the risks of engaging recovery agents;

- (ii) posting notices or posters to prohibit touting activities in such places; and
- (iii) issuing notices to all injured workers to remind them to be cautious of touting activities of recovery agents and advise them to seek legal advice through proper channels such as legal counsels and the Legal Aid Department.

Apart from public education efforts, the Government has strengthened the training of front-line staff, reminding them to be vigilant against persons distributing touting leaflets and report such cases to the police for enforcement actions where appropriate.

- (4) A total of five reported cases of maintenance/champerty were received by the police between 2009 and 2013. Three persons were convicted in two of such cases and one of them subsequently had his appeal allowed. The police do not have any breakdown by nature of the claims.

To effectively tackle cases relating to maintenance and champerty, the Commercial Crime Bureau of the police has specifically set up a Maintenance and Champerty Focus Group to prevent and combat such crimes proactively. As maintenance and champerty are against the law, the police has been calling on the public to report such offences and provide information.

Management of Spaces for Use by Public in Private Developments

17. **MR JAMES TO** (in Chinese): *President, I have learnt that earlier on, a member of the public was injured when he slipped and fell in the space provided for use by the public in a private development in Tai Kok Tsui, and he was taken to the hospital. Regarding the management of spaces required under lease to be provided for use by the public in private developments (public spaces), will the Government inform this Council:*

- (1) *of the current number of public spaces in Hong Kong, and among them, the number of those that are managed by the property*

management companies appointed by the property owners (private management) and the number of those that are open around the clock, with a breakdown by the 18 District Council (DC) districts;

- (2) whether it knows the number of cases in the past three years in which members of the public were injured in public spaces under private management, with a breakdown by type of the facilities concerned;*
- (3) whether it received any complaint from members of the public in the past three years about mismanagement of public spaces under private management;*
- (4) whether a mechanism is currently in place for monitoring the management of public spaces under private management; if such a mechanism is not in place, of the reasons for that, and whether it will consider formulating such a mechanism; and*
- (5) whether the Government took the initiative in the past three years to carry out regular and surprise inspections of various public spaces under private management, in order to check if such spaces are suitable for use by the public; if it did, of the number of such inspections and the findings; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, generally speaking, owners of Public Open Space in Private Developments required under lease (POSPD) as referred to in the question have the responsibility under lease to properly maintain and manage the relevant public open space and to permit the public to use during the prescribed hours of a day. The said open space may be situated within a private lot or on Government land outside the private lot.

I reply to the various parts of the question as follows:

- (1) Since March 2008, the Government has been compiling information on POSPD including the location and area, the level at which the public open space is located, the opening hours, as well as the site plan of the public open space, and making it available to the public through the website of the Lands Department (LandsD). There are 60 POSPD listed on the LandsD's website as at end of December last year, of which 44 are required under lease to remain open to the public at all times (three of which are required to partially open to

the public at all times). The above statistics, as categorized by the DC districts, are listed out at Annex.

- (2) It is a requirement under lease for owners of the relevant private developments to maintain and manage the said open space, but there is no requirement for them to report to the authorities cases of people sustaining injuries inside the open space. In the past three years, the LandsD had not received reports or complaints of injuries sustained by members of the public within the said open space.
- (3) From 2011 to the end of March this year, the LandsD has received 22 complaints relating to the said open space, the nature of which includes blockage of access, misuse of space and other management issues such as lighting and decoration problems, and so on, the LandsD has taken follow-up action in response to the complaints, including site inspections, liaison with the owners and/or the management companies as well as issue of enquiry and/or warning letters, and so on. All these cases have been handled.
- (4) and (5)

District Lands Offices (DLOs) of the LandsD conduct site inspections of the said open space under their respective jurisdiction from time to time as well as on receipt of complaints. If suspected breach of lease conditions in respect of the management and opening of the said open space is discovered, DLOs would take timely follow-up actions (including lease enforcement actions) as appropriate. The LandsD does not keep readily available statistics in respect of the said inspections.

Owing to the large number of POSPD and the fact that they are scattered throughout the territory, the Government considers public monitoring the most effective way to ensure that the relevant owners fulfil the responsibilities of managing and maintaining the public open space, as well as permitting the public to access and use these facilities in accordance with lease requirements. The information relating to POSPD made public through the LandsD's website as mentioned above facilitates public monitoring. Members of the public are encouraged to inform the relevant DLOs for follow-up if it is suspected that owners are not fulfilling their relevant responsibilities.

Provision of Open Space required under lease for the use by the public
in private developments completed in or after 1980

<i>Item No.</i>	<i>DC</i>	<i>Name of Development</i>	<i>Location</i>	<i>Opening Hours</i>
1.	C&W	Hong Kong Station Development*	Harbour View Street, Central	Open to the public at all times
2.	C&W	The Center	99 Queen's Road Central	Open to the public at all times
3.	C&W	The Centrium*	60 Wyndham Street	Open to the public at all times
4.	C&W	Cheung Kong Center	2 Queen's Road Central	Open to the public at all times
5.	C&W	The Peak Galleria	118 Peak Road	Open to the public at all times
6.	C&W	Cosco Tower and Grand Millennium Plaza	31-33 Wing Lok Street/181-183 Queen's Road Central	Open to the public at all times
7.	C&W	The Belcher's	89 Pok Fu Lam Road/ 8 Belcher's Street	Open to the public at all times
8.	C&W	Hollywood Terrace	123 Hollywood Road	Open to the public at all times
9.	C&W	La Maison Du Nord	12 North Street	Open to the public at all times
10.	C&W	Pacific Place Phase I & II*	88 Queensway	Open to the public at all times
11.	C&W	Bank of China Tower	1 Garden Road	Open to the public at all times
12.	C&W	The Sail at Victoria	Sai Ning Street	Open to the public at all times
13.	C&W	Island Crest	8 First Street	Open to the public at all times
14.	E	The Orchards	3 Greig Road, Quarry Bay	Open to the public at all times
15.	E	Grand Promenade	38 Tai Hong Street, Sai Wan Ho	Open to the public at all times

<i>Item No.</i>	<i>DC</i>	<i>Name of Development</i>	<i>Location</i>	<i>Opening Hours</i>
16.	E	Island Place	510 King's Road, North Point	Open to the public at all times
17.	E	The Floridian	18 Sai Wan Terrace, Quarry Bay	Open to the public at all times
18.	E	Le Sommet	28 Fortress Hill Road, North Point	Open to the public at all times
19.	E	Tanner Garden	18 Tanner Road, North Point	Open space 1 on ground level is open to the public at all times. Open space 2 located adjacent to Block 3 of Tanner Garden is open to the public from 6 am to 4.30 pm daily
20.	E	City Garden	233 Electric Road	Open to the public from 7 am to 11 pm daily
21.	WC	The Leighton Hill	2B, Broadwood Road, Happy Valley	Open to the public at all times
22.	WC	Starcrest	9 Star Street, Wan Chai	Open to the public at all times
23.	WC	Li Chit Garden	1 Li Chit Street, Wan Chai	Open to the public at all times
24.	KC	Jubilant Place	99 Pau Chung Street/ 33 Ma Tau Kok Road	Open to the public from 6 am to 10 pm daily
25.	KC	Royal Peninsula	8 Hung Lai Road	Open to the public at all times
26.	KC	Laguna Verde	8 Laguna Verde Avenue	Open to the public at all times
27.	KC	The Church of Jesus Christ of Latter-Day Saints Hong Kong China Temple	2 Cornwall Street, Kowloon Tong	Open to the public at all times
28.	YTM	Metro Harbour View	8 Fuk Lee Street	Open to the public from 7 am to 10 pm daily
29.	YTM	HSBC Centre	1 Sham Mong Road	Open to the public at all times

<i>Item No.</i>	<i>DC</i>	<i>Name of Development</i>	<i>Location</i>	<i>Opening Hours</i>
30.	YTM	Prosperous Garden	3 Public Square Street	Open to the public from 6 am to 10 pm daily
31.	YTM	K11	18 Hanoi Road	Open to the public at all times
32.	SSP	Beacon Lodge	373 Po On Road	Open to the public at all times
33.	SSP	Vista	188 Fuk Wa Street	Open to the public at all times
34.	Kwun Tong	Sceneway Garden	Sceneway Road, Lam Tin	Open to the public from 7 am to 11 pm daily
35.	TP	Symphony Bay Villa Rhapsody	533 Sai Sha Road	Open to the public at all times
36.	TP	Soka Gakkai International of Hong Kong Cultural and Recreational Centre	33 Shan Nam Road	<i>Jan to Mar and Nov to Dec</i> 10 am to 4 pm (Mon to Fri) 10 am to 5 pm (Sat, Sun and public holidays) <i>Apr to Oct</i> 10 am to 4 pm (Mon to Fri) 10 am to 6 pm (Sat, Sun and public holidays)
37.	TM	Chelsea Heights	1 Shek Pai Tau Path	Open to the public from 9 am to 10 pm daily
38.	TM	Botania Villa	138 Fuk Hang Tsuen Road	Open to the public from 6 am to 7 pm daily
39.	TM	Tuen Mun Town Plaza (Phase I)	1 Tuen Shing Street, 1 Tuen Shun Street, 3 Tuen Lung Street and 2 Tuen Yan Street	Open to the public from 7 am to 7 pm daily
40.	TM	Chi Lok Fa Yuen	18 Tsing Hoi Circuit	Open to the public at all times
41.	SK	The Portofino	Clear Water Bay Road, Pak To Avenue	Open to the public at all times
42.	ST	Castello	69 Siu Lek Yuen Road	Open to the public from 7 am to 11 pm daily

<i>Item No.</i>	<i>DC</i>	<i>Name of Development</i>	<i>Location</i>	<i>Opening Hours</i>
43.	ST	Royal Ascot	1 Tsun King Road	Open to the public from 6 am to 11 pm daily
44.	ST	Sha Tin Racecourse	6001 Tai Po Road-Sha Tin	Except it is open to public from 10.15 am on Tuesdays and Fridays, it is open to the public from 9 am to 6 pm daily. It is closed on Mondays and day race days and closed at 4 pm when there is a night race meeting
45.	TW	Indi Home	138 Yeung Uk Road	Open to the public at all times
46.	TW	H Cube	116-122 Yeung Uk Road	Open to the public at all times
47.	TW	Vision City	1 Yeung Uk Road	Open to the public from 6.30 am to 11 pm daily
48.	TW	Bellagio	33 Castle Peak Road	Open to the public from 6 am to 12 mn daily
49.	TW	Belvedere Garden Phases II & III	620 and 625 Castle Peak Road-Tsuen Wan	Open to the public at all times
50.	KT	Wonderland Villas	9 Wah King Hill Road	Open to the public from 7 am to 6 pm daily
51.	KT	New Kwai Fong Gardens	12-20 Kwai Yi Road	Open to the public from 5 am to 10.30 pm daily
52.	KT	Sun Kwai Hing Gardens	151-156 Tai Wo Hau Road, 166-174 Hing Fong Road	Except otherwise specified, it is open to the public at all times. Part of the area is open to the public from 11 am to 6 pm daily
53.	Is	Tung Chung Crescent	1-2 Hing Tung Street, Tung Chung	Open to the public at all times
54.	Is	Seaview Crescent	8 Tung Chung Waterfront Road, Tung Chung	Open to the public at all times

<i>Item No.</i>	<i>DC</i>	<i>Name of Development</i>	<i>Location</i>	<i>Opening Hours</i>
55.	Is	Citygate	20 Tat Tung Road, Tung Chung	The Town Square on ground level is open to the public at all times. The open space at first level and third level is open to the public from 7 am to 10 pm daily
56.	Is	Coastal Skyline	12 Tung Chung Waterfront Road, Tung Chung	Open to the public at all times
57.	Is	Caribbean Coast	2 Kin Tung Road, Tung Chung	Open to the public at all times

Note:

- * Three developments (Hong Kong Station Development, The Centrium and Pacific Place Phases I and II) each contain two separate POS within the developments.

Nominal Wage Indices and Real Wage Indices for Hong Kong Employees

18. **MR KWOK WAI-KEUNG** (in Chinese): *President, in 2003, the outbreak of the Severe Acute Respiratory Syndrome in Hong Kong adversely affected the economy, with the unemployment rate between May and July 2003 soaring to 8.7%. In this connection, will the Government inform this Council of the "nominal wage index" and "real wage index" for various industries and trades, as well as the "nominal index of payroll per person engaged" for the industries set out in the table below, in 2003, 2004, 2012 and 2013 (with the indices for the first quarter of 2002 as 100)?*

<i>Industry</i>	<i>2003</i>	<i>2004</i>	<i>2012</i>	<i>2013</i>
<i>Retail</i>				
<i>Catering</i>				
<i>Estate management and security service</i>				
<i>Cleaning service</i>				
<i>Elderly service</i>				
<i>Land transport</i>				

<i>Industry</i>	<i>2003</i>	<i>2004</i>	<i>2012</i>	<i>2013</i>
<i>Transportation, storage, postal and courier services</i>				
<i>Manufacturing</i>				
<i>Import and export trade</i>				
<i>Wholesale</i>				
<i>Information and communications</i>				
<i>Finance and insurance</i>				
<i>Electricity and gas supply</i>				
<i>Sewerage, waste management and remediation</i>				
<i>Accommodation and food service</i>				
<i>Overall</i>				

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, nominal wage indices (NWI) and real wage indices (RWI) for various industry sections and occupational groups in December of 2003, 2004, 2012 and 2013 are set out in Table 1 and Table 2 respectively. As for the nominal indices of payroll per person engaged for specific industries in the fourth quarter of 2003, 2004, 2012 and 2013, they are set out in Table 3.

Table 1: NWI and RWI for selected industry sections^{(1), (2), (3)}

(March 2002 = 100)

<i>Selected industry section</i>		<i>December 2003</i>	<i>December 2004</i>	<i>December 2012</i>	<i>December 2013</i>
Manufacturing	NWI	97.4	101.5	119.9	125.6
	RWI	100.9	104.5	98.4	98.8
Import/export, wholesale and retail trades ⁽⁴⁾	NWI	96.9 ⁽⁵⁾ (NWI)	99.9	126.2	128.6
	RWI	100.4 ⁽⁵⁾ (RWI)	99.1	99.8	97.5

<i>Selected industry section</i>		<i>December 2003</i>	<i>December 2004</i>	<i>December 2012</i>	<i>December 2013</i>
Accommodation and food services activities ⁽⁴⁾	NWI		99.2	128.6	133.4
	RWI		98.5	101.7	101.1
Transportation	NWI	97.1	94.7	109.0	113.4
	RWI	100.5	97.5	89.4	89.2
Financial and insurance activities ⁽⁴⁾	NWI		103.7	129.4	133.1
	RWI		102.9	102.3	100.9
Real estate leasing and maintenance Management ⁽⁴⁾	NWI	101.2 ⁽⁶⁾ (NWI)	99.5	130.8	143.5
	RWI	104.8 ⁽⁶⁾ (RWI)	98.8	103.4	108.8
Professional and business services ⁽⁴⁾	NWI		99.8	140.2	151.5
	RWI		99.1	110.9	114.9
Personal services	NWI	95.0	111.8	163.6	172.5
	RWI	98.3	115.2	134.2	135.7
All selected industry sections ^{(7) and (8)}	NWI	97.8	96.7	124.7	129.8
	RWI	101.2	99.6	102.3	102.1

Notes:

- (1) Wage includes basic wage and other regular and guaranteed allowances and bonuses.
- (2) RWI are obtained by deflating NWI by the Consumer Price Index (A).
- (3) Since 2009, the Census and Statistics Department has adopted the Hong Kong Standard Industrial Classification Version 2.0 (HSIC V2.0) in place of the Hong Kong Standard

Industrial Classification Version 1.1 (HSIC V1.1) for compiling statistics by industry. The various data series have also been backcasted to 2004. Hence, wage indices in 2003 as presented in the above table are based on HSIC V1.1 whereas those in 2004 and ensuing years are based on HSIC V2.0. Owing to the differences between the industry coverage of these two classification systems at the industry section level, wage indices in 2003 are not strictly comparable with those in 2004 and ensuing years.

- (4) Detailed industry breakdowns for NWI and RWI for periods prior to 2004, which were compiled based on HSIC V1.1, are not available. Owing to this, separate figures for the industry breakdowns in December 2003 cannot be provided. NWI and RWI of these industries from 2004 onwards adopt March 2004 as the base period (that is, March 2004 = 100).
- (5) Refers to wage indices of the wholesale, retail and import/export trades, restaurants and hotels sector under HSIC V1.1.
- (6) Refers to wage indices of the financing, insurance, real estate and business services sector under HSIC V1.1.
- (7) The relevant survey covers employees engaged in selected occupations up to supervisory level for selected industries only. Employees at managerial and professional levels are not covered.
- (8) Refers to all industries covered by the wage enquiry, including electricity and gas supply, sewerage and waste management activities, and publishing activities, the statistics of which are not separately shown.

Table 2: NWI and RWI by occupational groups^{(1) and (2)}

(March 2002 = 100)

<i>Occupational group</i>		<i>December</i> <i>2003</i>	<i>December</i> <i>2004</i>	<i>December</i> <i>2012</i>	<i>December</i> <i>2013</i>
Supervisory and technical workers	NWI	99.9	96.8	128.5	131.5
	RWI	103.4	99.7	105.3	103.4
Clerical and secretarial workers	NWI	97.1	94.2	114.5	119.4
	RWI	100.5	97.0	93.9	93.8
Craftsmen and operatives	NWI	97.8	101.6	118.8	123.8
	RWI	101.3	104.6	97.4	97.3
Service workers	NWI	96.3	100.3	134.0	141.7
	RWI	99.7	103.2	109.8	111.4

<i>Occupational group</i>		<i>December 2003</i>	<i>December 2004</i>	<i>December 2012</i>	<i>December 2013</i>
Miscellaneous non-production workers	NWI	94.8	95.8	127.2	136.3
	RWI	98.1	98.6	104.3	107.1
All selected occupations ⁽³⁾	NWI	97.8	96.7	124.7	129.8
	RWI	101.2	99.6	102.3	102.1

Notes:

- (1) Wage includes basic wage and other regular and guaranteed allowances and bonuses.
- (2) RWI are obtained by deflating NWI by the Consumer Price Index (A).
- (3) The relevant survey covers employees engaged in selected occupations up to supervisory level for selected industries only. Employees at managerial and professional levels are not covered.

Table 3: Nominal indices of payroll per person engaged for specified Industries^{(1) and (2)}

(First Quarter, 2002 = 100)

<i>Industry</i>	<i>Fourth Quarter 2003</i>	<i>Fourth Quarter 2004</i>	<i>Fourth Quarter 2012</i>	<i>Fourth Quarter 2013</i>
Retail trade	85.6	85.1	138.6	148.0
Land transport ⁽³⁾	100.8 ⁽⁴⁾	101.3	115.8	122.9
Transportation, storage, postal and courier services ⁽³⁾		102.1	125.8	132.1
Manufacturing	87.2	85.3	104.6	107.5
Import and export trade	82.8	83.1	125.5	129.2
Wholesale	82.4	84.3	119.6	128.2
Real estate activities ⁽³⁾	92.2 ⁽⁵⁾	97.7	120.9	126.7
Financial and insurance activities ⁽³⁾		90.5	147.1	152.7
Electricity and gas supply	118.8	(6)	(6)	(6)
Information and communications ⁽³⁾	-	89.6	115.7	123.0

<i>Industry</i>	<i>Fourth Quarter 2003</i>	<i>Fourth Quarter 2004</i>	<i>Fourth Quarter 2012</i>	<i>Fourth Quarter 2013</i>
Sewerage, waste management and remediation activities ⁽³⁾	-	101.7	176.1	182.0
Accommodation and food service activities ⁽³⁾	-	95.1	126.4	135.1
- Food and beverage service activities	-	96.8	129.9	137.4
All selected industry sections ⁽⁷⁾	91.1	90.5	121.6	128.1

Notes:

- (1) In addition to elements covered by wage, payroll also covers other irregular payments to workers such as discretionary bonuses and overtime allowances.
- (2) Since 2009, the Census and Statistics Department has adopted the HSIC V2.0 in place of the HSIC V1.1 for compiling statistics by industry. The various data series have also been backcasted to 2004. Hence, nominal indices of payroll per person engaged in 2003 as presented in the above table are based on HSIC V1.1 whereas those in 2004 and ensuing years are based on HSIC V2.0. Owing to the differences between the industry coverage of these two classification systems at the industry section level, nominal indices of payroll per person engaged in 2003 are not strictly comparable with those in 2004 and ensuing years.
- (3) Detailed industry breakdowns for nominal indices of payroll per person engaged for periods prior to 2004, which were compiled based on HSIC V1.1, are not available. Owing to this, separate figures for the industry breakdowns in the fourth quarter of 2003 cannot be provided. Nominal indices of payroll per person engaged for these industries from 2004 onwards adopt the first quarter of 2004 as the base period (that is, first quarter, 2004 = 100).
- (4) Refers to nominal index of payroll per person engaged for the transport, storage and communications sector under HSIC V1.1.
- (5) Refers to nominal index of payroll per person engaged for the financing, insurance, real estate and business services sector under HSIC V1.1.
- (6) As the number of establishments engaged in electricity and gas supply has been decreasing, related data are not released in order to safeguard confidentiality of the information provided by individual establishments.
- (7) Refers to all industries covered by the payroll enquiry, including mining and quarrying, professional and business services, and social and personal service, the statistics of which are not separately shown.

BILLS**First Reading of Bills**

PRESIDENT (in Cantonese): Bills: First Reading.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

INSURANCE COMPANIES (AMENDMENT) BILL 2014

ELECTRONIC HEALTH RECORD SHARING SYSTEM BILL

**CONSTRUCTION WORKERS REGISTRATION (AMENDMENT) BILL
2014**

CLERK (in Cantonese): Statute Law (Miscellaneous Provisions) Bill 2014
Insurance Companies (Amendment) Bill 2014
Electronic Health Record Sharing System Bill
Construction Workers Registration (Amendment) Bill
2014.

Bills read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

SECRETARY FOR JUSTICE (in Cantonese): President, I move that the Statute Law (Miscellaneous Provisions) Bill 2014 be read the Second time.

It has been the practice of the Department of Justice (DoJ) to introduce, at regular intervals, to the Legislative Council a Statute Law (Miscellaneous

Provisions) Bill, proposing amendments to various Ordinances that are technical and non-controversial for the purpose of updating or improving existing legislation.

This practice has worked well in the past, and the Administration now adopts the same practice to introduce a new Statute Law (Miscellaneous Provisions) Bill (the Bill) to deal with miscellaneous amendments proposed by bureaux and the DoJ in a consolidated manner. Parts 2 to 15 of the Bill contain the relevant proposed amendments, the key elements of which are outlined below.

Part 2 of the Bill seeks to amend certain provisions in the Crimes Ordinance relating to sexual offences, so as to reflect the rulings of the Court of First Instance and the Court of Appeal in the case of LEUNG T C William Roy, and the Court of Final Appeal's ruling in the case of YAU Yuk Lung. The major amendments include lowering the age of consent for homosexual buggery and gross indecency between men from 21 to 16, and repealing the offence of homosexual buggery committed otherwise than in private between men. The Security Bureau has consulted the Equal Opportunities Commission (EOC), the Advisory Group on Eliminating Discrimination against Sexual Minorities and the Review of Sexual Offences Sub-committee of the Law Reform Commission on the above proposed amendments.

Part 3 of the Bill seeks to make a number of miscellaneous amendments to the four anti-discrimination Ordinances in response to the proposals of the EOC. They include the addition of provisions to the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO) to expressly provide protection from personal liability to members and employees of the EOC, members of a committee established by the EOC and conciliators, when they act in good faith in the performance of the EOC's functions and in the exercise of the EOC's powers under the above two anti-discrimination Ordinances. As similar protection is already provided under the existing provisions of the Sex Discrimination Ordinance and the Race Discrimination Ordinance, the Bill only proposes to add the relevant provisions to the DDO and the FSDO to improve consistency between the anti-discrimination Ordinances.

Part 4 of the Bill amends section 81 of the Evidence Ordinance (EO) to explicitly empower the President, presiding officers and other members of the Lands Tribunal to issue a warrant or order to bring any person in lawful custody before the Tribunal to give evidence. In addition, Part 4 also amends the Lands

Tribunal Ordinance to put it beyond doubt that a temporary member shall have the same powers and duties as a member of the Lands Tribunal.

Part 5 of the Bill seeks to amend, at the suggestion of the Hong Kong Society of Notaries, the EO to the effect that a notarial instrument may be received in evidence in civil proceedings in the Courts of Hong Kong, without further proof, as duly authenticated unless the contrary is proved.

Part 6 of the Bill amends the EO and the Mutual Legal Assistance in Criminal Matters Ordinance. The amendment renders foreign public, banking, routine business and computer records obtained pursuant to mutual legal assistance requests admissible in criminal proceedings in Hong Kong as *prima facie* evidence of any fact stated therein if they are annexed to a deposition made according to the law of the foreign jurisdiction concerned. In short, the amendment seeks to bring the relevant law of Hong Kong in line with the laws of its major partners in mutual legal assistance matters.

Part 7 of the Bill seeks to amend section 44 of the Unsolicited Electronic Messages Ordinance (UEMO) to the effect that delivery by hand and sending by ordinary post may be adopted, in addition to sending by registered post under the existing provision, in serving notices issued by the Communications Authority pursuant to sections 34, 35, 36 and 38 of the UEMO. The amendments provide greater flexibility in the service of the notices and therefore enhance the effectiveness of the enforcement mechanism under the UEMO.

Part 8 of the Bill seeks to amend certain defence provisions in the Trade Descriptions Ordinance (TDO) to reflect the Court of Final Appeal's rulings in the case of LEE To Nei. The amendments make it clear that only an evidential burden (but not a persuasive burden) is imposed on the person charged who wishes to rely on the grounds set out in the relevant defence provisions (that is, sections 12(2A)(a), 26(1), 26AA and 26AAB) in any proceedings for the offence concerned under the TDO.

Part 9 of the Bill seeks to implement one of the proposals included in the Interim Report of the Review Committee on the Building Management Ordinance (BMO), that is, to amend the BMO (Cap. 344) to provide that a person appointed as a member of a management committee of a building can use a statement (instead of a declaration under the existing requirement) within 21 days after the appointment to state that the person is not ineligible as specified in paragraph 4(1) of Schedule 2 to the BMO. The requirement of taking an oath under the existing

provisions has been criticized for being too stringent as many management committee members find it very inconvenient to go to the designated venues during office hours for the purpose of making a statutory declaration. The amendment obviates the need of taking an oath for the convenience of owners intending to serve as management committee members.

Parts 10 and 11 of the Bill contain two amendments made in response to The Law Society of Hong Kong's proposals. Part 10 seeks to repeal the consequential amendments set out in item 29 of Schedule 1 to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 to retain the existing definition of "controlled trust" in section 26A of the Legal Practitioners Ordinance (LPO). Part 11 seeks to amend section 8A of the LPO to empower the Council of Law Society to revoke or restore a suspension of a solicitor's practice or a foreign lawyer's registration as it considers appropriate pending a decision of the Solicitors Disciplinary Tribunal.

Parts 12 to 15 of the Bill contain miscellaneous and technical amendments to various Ordinances or subsidiary legislation made for different purposes, for example, to provide for amendments that were omitted in previous amendment exercises, to correct cross references in certain provisions, to correct technical consolidation irregularities in a few consolidation instruments and to achieve internal consistency in terminology and consistency between the Chinese and English texts of certain enactments.

President, as I mentioned at the beginning of this speech, the Bill deals with a number of amendments of various areas in a consolidated manner, as part of the Administration's continuing effort to collate Hong Kong's legislation. By dealing with the amendments in one go by way of the Bill, the relevant legislative provisions can be improved efficiently.

With these remarks, I would like to appeal to Members to support the Bill.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Statute Law (Miscellaneous Provisions) Bill 2014 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

INSURANCE COMPANIES (AMENDMENT) BILL 2014

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, I move that the Insurance Companies (Amendment) Bill 2014 be read the Second time.

The Bill seeks to provide the legal framework for the establishment of the Insurance Authority (IA) and a statutory licensing regime for insurance intermediaries. This is the most important regulatory reform in the insurance sector since the enactment of the Insurance Companies Ordinance in 1983.

The policy objectives of setting up the IA are to modernize the insurance industry regulatory infrastructure to provide better protection for policyholders and facilitate the sustainable development of the industry. The proposed regulatory system will comply with the international requirement that insurance regulators should be independent of the government and industry.

Currently, the Office of the Commissioner of Insurance (OCI) is a government department, responsible for the regulation of the conduct and the prudential regulation of insurance companies. Three Self-regulatory Organizations (SROs) are responsible for the self-regulation of insurance intermediaries, namely insurance agents and brokers. These three SROs are the Insurance Agents Registration Board, the Hong Kong Confederation of Insurance Brokers and the Professional Insurance Brokers Association.

The IA is a statutory body to replace the OCI, and a statutory licensing regime for insurance intermediaries will be implemented to replace the existing self-regulatory system.

There is an urgency to set up the IA. On prudential regulation, the challenges in the coming years are to implement the international requirements for the regulation of insurance companies such as setting up a risk-based capital framework and group-wide supervision. To respond effectively to regulatory work, the insurance regulator should have operational flexibility to recruit talents to enhance its regulatory capacity.

Over the years, the SROs have contributed a lot to promoting the conduct and professionalism of insurance intermediaries, and laid a good foundation for the future licensing system. When insurance products are getting more

sophisticated and diversified, the public have higher expectations of the regulation of insurance intermediaries, and our regulatory regime must be modernized. Under the existing self-regulatory system where the insurance intermediary bodies regulate their members, there may be possible actual or potential conflict of interest. Since the three SROs have inconsistent complaint handling mechanisms, investigation procedures and disciplinary systems, there is a need to establish an independent regulatory body to regulate insurance intermediaries and solve these problems, as well as comply with the international practices.

Regulating the insurance intermediaries through a licensing regime will help promote the professionalism of insurance intermediaries and strengthen public confidence in the insurance industry, which is conducive to the long-term development of the insurance industry.

Insofar as policy principles are concerned, the Bill is the result of four years of in-depth discussions between the Government and the insurance industry and other stakeholders. Following the public consultation on the framework of establishing the IIA in 2010, we published the consultation conclusions and detailed proposals in 2011 for further industry engagement. Subsequently, we consulted the public on key legislative proposals for the establishment of the IIA for three months from October 2012, and briefed the Legislative Council Panel on Financial Affairs on the consultation conclusions on 5 July 2013. I am grateful to the public, especially the insurance industry, for their valuable views in the course of finalizing the Bill.

We have listened carefully to the views and aspirations of all parties, striving to achieve a reasonable balance. Although the Bill may not fully meet the demands of individual stakeholder groups, we believe that it has catered for the interests of the industry and policyholders, striking a balance between protecting investors and promoting the healthy development of the market. In the process, we made reference to the international practices and the legal frameworks of other local financial regulatory regimes, to ensure effective regulation and minimize the compliance costs of the industry.

I am now going to introduce the major areas of the Bill. First, in respect of functions and governance, the principal function of the IIA is the protection of policyholders and the regulation of the insurance industry, in order to facilitate the sustainable development of the industry. In addition to inheriting the

existing functions of the OCI, the IIA shall promote the competitiveness of the insurance industry, promote public understanding of insurance and conduct studies.

Members of the IIA including a chairman, the chief executive officer and not fewer than six directors are appointed by the Chief Executive. The directors should include at least two persons with knowledge or experience of the insurance industry, and the IIA will have a majority of non-executive directors. Measures to enhance accountability have been added to the Bill, which include the IIA shall table its annual report before the Legislative Council; the annual budget and corporate plan of the IIA will be subject to the approval of the Financial Secretary; the Director of Audit may conduct value for money audit on the IIA; and the Independent Commission Against Corruption would be able to examine the practices and procedures of the IIA.

As specified in the Bill, there will be two Advisory Committees, one on long-term business (life insurance) and the other on general business (property insurance, and so on), as the permanent liaison platforms of the industry and the IIA.

The operation of the IIA will be funded by the fees paid by insurance companies and insurance intermediaries, the fees charged to particular service users and levies on premiums of insurance policies. The levies for the first year are 0.04% of the premiums, which will gradually be increased to 0.1% in the sixth year. Since it is proposed that licence fees payable by insurance intermediaries will be waived in the first five years after the establishment of the IIA, and the IIA will adopt an incremental approach in achieving the target level of levy, we propose that the Government should provide a lump sum of \$500 million to the IIA to support the initial operation of the IIA and meet the need for contingency reserves. The authorities would apply to the Legislative Council for the provision as and when appropriate.

As for the powers and checks and balances, the Bill also empowers the IIA to exercise inspection, investigation and disciplinary powers for the regulation of insurance companies and insurance intermediaries, and these powers are similar to the existing powers of other financial regulators in Hong Kong. There are checks and balances on the powers of the IIA. For example, an independent Insurance Appeals Tribunal (IAT) may review the regulatory decisions of the IIA,

and the Tribunal is chaired by a person eligible for appointment as a High Court Judge. In addition, an independent Process Review Panel will be appointed by the Chief Executive to review the internal process and procedures of the use of the IIA's regulatory powers. The Bill also provides that the IIA must consult the industry before the implementation of new regulatory requirements.

It is very important that insurance companies must have stable development. The Bill includes a provision to strengthen the corporate governance of insurance companies, specifying that the controllers of insurers and the director or key person in control appointed shall have the IIA's approval, to ensure that they are fit and proper persons.

Under the new statutory licensing regime, a person has to obtain a licence from the IIA in order to carry on insurance intermediary activities and be subjected to IIA regulation. The Bill provides the basic principles of insurance intermediaries' conduct requirements. In simple terms, these principles require insurance intermediaries to act professionally, fairly and honestly, and have a good track record of legal and regulatory compliance. The Bill also empowers the IIA to set out the detailed requirements in subsidiary legislation and non-statutory codes and guidelines.

To ensure smooth transition and minimize possible disruption to the existing insurance intermediaries, all pre-existing insurance intermediaries validly registered with the SROs before the commencement of the statutory licensing regime should be deemed as licensees under the new regime for three years, and licence fees will be waived for the first five years. We have established a working group with members from the insurance industry to work out detailed transitional arrangements.

As regards banks' insurance intermediary activities, given the integrated asset and wealth management services offered by banks, as well as the Hong Kong Monetary Authority (HKMA)'s role as the primary and lead regulator of banks, the Bill will specify that, subject to the approval of the Chief Executive in Council, the IIA may delegate its powers of inspection and investigation to the HKMA for the front-line regulation of banks' insurance intermediary activities. After delegation, the IIA will remain the single authority to set regulatory requirements, to grant licences and to impose disciplinary sanctions. The disciplinary decisions made by the IIA concerning banks and their employees will

be subject to appeal to the IAT. The IIA and the HKMA will implement various collaborative arrangements including the signing of a Memorandum of Understanding on regulatory co-operation, reciprocal staff secondment, and regular liaison meetings, and so on, to avoid regulatory overlap or gap, and ensure regulatory consistency.

With regard to outdated regulatory requirements, under the current self-regulatory system for insurance intermediaries, insurance companies have a statutory duty to assist the industry self-regulatory organization of insurance agents, and offenders shall be guilty of an offence. With the new licensing regime, such statutory responsibilities will become outdated and will therefore be removed.

As to the exit arrangements for OCI staff, for the IIA to achieve operational flexibility, we propose that the IIA should conduct open recruitment of its own staff. The OCI will be dissolved and the Insurance Officers (IOs) who are pensionable civil servants will be retired on the Abolition of Office terms after the establishment of the IIA. Officers of the general grades in the OCI will be redeployed to other government bureaux/departments in accordance with the normal posting arrangements. As for the NCSC staff, their contracts will be mutually resolved or terminated as appropriate.

On the exit package for the Insurance Officers who are pensionable civil servants, we propose that in addition to lump sum pension gratuity, reference may be made to the previous arrangement, to provide them with special ex gratia payments and special compensations. Subject to the passage of the Bill, the authorities would apply to the Legislative Council for the relevant funding.

Lastly, President, insurance is closely related to our lives, and there are about 1.1 million valid life insurance policies at present. The establishment of the IIA can provide better protection to millions of policyholders and will help us meet the future challenges, further strengthening Hong Kong's position as an international financial centre. I hope Members will support the Bill so that the IIA will be established as soon as possible.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Insurance Companies (Amendment) Bill 2014 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

ELECTRONIC HEALTH RECORD SHARING SYSTEM BILL

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I move the Second Reading of the Electronic Health Record Sharing System Bill (the Bill) to provide for the establishment of the Electronic Health Record Sharing System (the System), sharing and using of data and information contained in the System, the protection of the System, and other incidental and connected matters.

To test the viability of an electronic health record sharing system, the Government launched the Electronic Patient Record (ePR) Sharing Pilot Project (Pilot Project) in as early as 2006 through the Hospital Authority (HA) to allow participating private healthcare providers to view their patients' medical records kept at the HA subject to the patients' consent. As at March 2014, the Pilot Project has enrolled over 350 000 patients, 3 000 healthcare professionals in private practice, 11 private hospitals, and 76 private or non-governmental organizations providing healthcare-related services. The Pilot Project has received positive feedback from the participants and the success in the test has also laid an excellent foundation for the sharing of electronic health records (eHR).

In the Healthcare Reform Consultation Document titled "Your Health, Your Life" published in March 2008, the Government officially proposed the development of a territory-wide patient-oriented eHR sharing system which subsequently received general support from the public. The Finance Committee of the Legislative Council also approved the non-recurrent funding of \$720 million in 2009 to carry out the work of the eHR programme in the first five-year stage.

Unlike the one-directional pilot basis of the eHR sharing programme, the System aims at providing an efficient platform for shared access to patient records between the private and public healthcare providers. Through this platform, healthcare providers such as hospitals and clinics may upload and access patients' health records. We believe that the implementation of eHR

sharing will enhance the co-operation between the private and public healthcare providers which will in turn help address the imbalance between the private and public healthcare services. The commissioning of the System will bring the greatest benefit to the elderly, children and also those who often need to use the public and private healthcare services at the same time first. In the long run, it will help reduce misdiagnoses, misprescriptions and unnecessary duplication of tests.

The three main objectives of the first stage of the eHR sharing programme are: first, to set up an eHR sharing platform to connect the participating public and private hospitals; second, to ensure there are health information systems available in the market for private healthcare providers to connect to the sharing platform; and third, to formulate a legal framework to protect data privacy and system security prior to commissioning the System.

In the past few years, the progress of the first stage has been satisfactory and the HA has also provided tremendous assistance and undertaken large amounts of professional technical work. We have also completed most of the system design, development and building work according to our conception and criteria. We have also promoted the use of the health data system among private healthcare providers. In 2011, we conducted a two-month public consultation exercise to listen to the views of various stakeholders regarding the legislation, data privacy and security framework of the System.

The main design concept of the System received wide support from Members and the public at the Legislative Council Finance Committee's discussion of the first stage funding in 2009 and the public consultation in 2011 respectively. Given the sensitive nature of the information contained in health records, coupled with the unique arrangement of eHR sharing, we consider it necessary to enact new provisions to enhance the protection measures and build up public confidence in the System, and at the same time provide penalties for crimes involving the operation of the System.

The Bill covers various aspects, including the establishment of the System, registration of healthcare recipients and providers, the use of eHR in healthcare and research, and proposed crimes. I will briefly give an introduction of the main provisions as follows.

First of all, we will define all the key terms including "healthcare", "healthcare provider" (HCP), "healthcare recipient" (HCR), "prescribed

healthcare provider" (prescribed HCP), and "eHR" under the Bill. Since the HA and the Department of Health (DH) offer healthcare services to every resident in Hong Kong and their contribution of health information will form the essential building blocks of the eHR, the HA and the DH will be stipulated as "prescribed HCPs" by default.

An HCR's eHR would comprise: (i) the HCR Index, that is, the personal particulars that identify the HCR, such as the name, identity document number and address; (ii) the HCR's health data or information, such as the diagnosis, adverse reactions/allergies, drugs prescribed, medical procedures, vaccination, test results, and so on; and (iii) other data related to the functioning of the System.

As regards regulation, the Secretary for Food and Health will appoint a public officer as the Commissioner for the Electronic Health Record (Commissioner), who will be responsible for the management, operation and further development of the System. The Bill will provide for the establishment of the System by the Commissioner. The System will keep a record of every registered HCR.

Since participation in eHR sharing is on a voluntary basis, HCPs and HCRs may decide whether to participate according to their needs. An HCR may apply to be registered under the System. Application for registration is based on express and informed consent called the "joining consent". After giving the "joining consent" to participate in the System, an HCR may give "sharing consent" to any individual prescribed HCP to "authorize" that particular HCP to view and upload his/her eHR. Other HCPs not given the "sharing consent" by an HCR are not allowed to access that particular HCR's eHR.

After the commencement of the operation of the System, obviously those benefit the most from it are the elderly and those constantly receiving both the public and private healthcare at the same time. Moreover, minors participating in the System at a young age may also help maintain a more comprehensive long-term personal health record. However, some eligible participants, for instance, a minor or a person who is mentally incapacitated, may not have the capacity to understand eHR sharing or provide an express consent. We therefore propose introducing the substitute decision maker arrangement to facilitate their registration. The Bill will stipulate that a parent, a guardian, a person appointed by the Court, a family member and a prescribed HCP may act as a substitute decision maker under various circumstances. A registered HCR

or his/her substitute decision maker may withdraw his/her joining or sharing consent at any time.

In respect of the registration of the HCP, the Bill allows entities operating hospitals, medical clinics, dental companies and residential care homes, or specified entities that engage members of the 13 statutorily registered healthcare professionals to deliver healthcare to participate in the System. An HCP that provides healthcare at one or more than one service locations may apply to be registered as an HCP for the System for just a single or all service locations. The Commissioner will be empowered to suspend or cancel the registration of an HCP under specified circumstances such as contravention of the provisions of the code of practice.

The uses of the eHR are: first, for enhancing the efficiency, quality, continuity and integration of healthcare; second, the researches and statistics related to public health and public safety, and also the prevention, control and surveillance of diseases; third, other uses allowed under the present law, for instance, clinical teaching, emergency treatment, court proceedings or crime investigation.

The use of HCR non-identifiable data in researches and statistics has to be approved by the Commissioner. Given the sensitive nature of HCR identifiable data or information, applications must be made for their use in the researches or statistics and such applications must be assessed by a statutory Research Board which will make recommendations to the Secretary for Food and Health. Then it is up to the Secretary to decide whether or not to approve them. The Bill will also provide that the relevant research findings or statistical data are not allowed to be revealed in a form that is HCR identifiable so as to protect the privacy of the HCRs.

In respect of the protection of privacy and system security, we propose requiring prescribed HCPs to take reasonable steps to ensure that their local electronic medical record systems connecting to the sharing platform would not impair the security or compromise the integrity of the System. Having reviewed the relevant local legislation and overseas practices, we also propose that new offences specific to the operation of eHR sharing should be introduced. The proposed offences include, in respect of a person, knowingly causing a computer to perform any function so as to obtain unauthorized access to an eHR, knowingly impairing the operation of the System, and using or providing eHR of another person for direct marketing.

Moreover, the Bill also contains provisions to handle other related matters such as the interaction between this Ordinance and the Personal Data (Privacy) Ordinance, the arrangement for HCPs or HCRs appealing to the Administrative Appeals Board regarding the Commissioner's decision, the "lawful authority" of the Commissioner and prescribed HCPs to gain access to the "card face data" embedded in the Hong Kong Identity Card.

The Government understands that in implementing the sharing of eHR, it has to give balanced consideration to the concern and needs of various sectors in society, especially the healthcare professionals, and patients. Therefore, we have formed a Working Group on Legal, Privacy and Security Issues (Working Group) under the Steering Committee on eHR Sharing (Steering Committee). The Steering Committee and the Working Group comprise representatives of relevant healthcare professional bodies, patient groups, the Office of the Privacy Commissioner for Personal Data, the Consumer Council, the HA, the Office of the Government Chief Information Officer and the DH. In the process of preparing for the public consultation document and the subsequent discussions, the Working Group and the Steering Committee generally supported the proposal for legislation. We briefed the Legislative Council Panel on Health Services on the outcome of the public consultation and the key features of the Bill on 11 June 2012 and 18 March 2013 respectively. Members were generally supportive of the implementation of the eHR programme.

To enhance the stakeholders' understanding of eHR sharing, in the past year we conducted around 50 engagement meetings with healthcare professional bodies, private hospitals, major group practices, non-governmental organizations providing healthcare services, the HA, the DH, patient groups and academic bodies to explain to them the contents of the legal, privacy and security framework and update them on the progress of the eHR programme.

President, the System is the major infrastructural facility of the future healthcare system in Hong Kong. I implore Members to support the Bill to provide a legal framework for the protection of data privacy and system security so that the System can be commissioned as soon as possible before the end of 2014 to provide better healthcare services for the public.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Electronic Health Record Sharing System Bill be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

CONSTRUCTION WORKERS REGISTRATION (AMENDMENT) BILL 2014

SECRETARY FOR DEVELOPMENT (in Cantonese): Good morning, President and Honourable Members. I move that the Construction Workers Registration (Amendment) Bill 2014 be read the Second time.

The Bill seeks to amend the Construction Workers Registration Ordinance (CWRO) (Cap. 583) to facilitate the implementation of the remaining phase of Prohibition under the CWRO, that is, the part of "designated workers for designated skills", in order to fully launch the construction workers registration scheme.

The CWRO was enacted in July 2004 to establish a system for registration of construction workers, and the primary objectives include: (a) ensuring the quality of construction works through assessment of the skill levels of all construction workers; (b) raising the status of construction workers by statutorily recognizing their skill levels; (c) fostering a quality culture in the construction industry, and (d) ensuring the availability of more reliable manpower data on construction workers supply to facilitate manpower planning and training.

The Government started the registration of construction workers in December 2005, and the number of registered construction workers has increased from about 225 000 in late 2007 to about 322 000 in December 2013.

To facilitate gradual adaption of the industry to the requirements, the regulation under the CWRO was implemented in phases. Phase One Prohibition was implemented in September 2007 to forbid unregistered construction workers from carrying out construction work on construction sites. As a worker possessing a "Green Card" may register as a registered general worker and satisfy the requirements under Phase One, thus the workers, employers and main contractors concerned can in general meet the requirements.

The part of "designated workers for designated skills", which has yet to be implemented, provides that workers would be forbidden from undertaking construction works of certain trades unless they are relevant trade-registered workers or under the instruction and supervision of the relevant trade-registered workers. Earlier on, we have consulted the relevant industry stakeholders (including labour unions and trade associations) on the provisions of this part and they have four major issues of concern.

Firstly, while a number of workers currently only concentrate on one or two of the skill sets of a trade, some carry out trade works of minor scale and nature involving multiple skills. Therefore, upon the implementation of the "designated workers for designated skills" provision, they may not register as skilled or semi-skilled workers and continue with their present job as a result of a failure to meet the registration requirements of the relevant trade. Their livelihood will thus be affected.

Secondly, it is the current practice of the construction industry to deploy workers to carry out other trade works of similar nature. For instance, given the similarity in basic skills, workers possessing tile-setting skill may sometimes be deployed to lay bricks. After the implementation of "designated workers for designated skills", workers will be forbidden to carry out other trade works of similar nature which they have not registered.

Thirdly, most stakeholders, especially trade unions, requested the provision of a one-off grandfathering arrangement for senior workers to ensure their smooth transition.

Fourthly, in case there is a need to carry out emergency construction works, it may be impossible to immediately deploy sufficient skilled workers to carry out the relevant trade works. Thus, it may not be practical to strictly follow the "designated workers for designated skills" provisions. Furthermore, some contractors for minor works have expressed their need for more time to adapt to the requirements of the CWRO as they are still in the process of adapting to the requirements of the minor works control system under the Building (Minor Works) Regulation launched in December 2010. They have therefore requested that minor works be governed by the "designated workers for designated skills" provision at a later stage.

Hence, we have extensively discussed with and consulted the relevant industry stakeholders since 2010, and the amendments proposed in the Bill to the original Ordinance have responded to the abovementioned concerns of the industry. A working group was established in 2010 to look into the problem and explore solutions, and a Committee on Review of CWRO was subsequently established in 2011 to discuss with the relevant stakeholders in detail and formulate the proposed amendments. We consulted the industry on the proposed amendments between early 2012 and mid-2012, and conducted consultation forums jointly with the Construction Workers Registration Authority (CWRA) in June 2012. Later, we formed a Task Force on Amendments to CWRO to review stakeholders' views collected during the consultation and finalize the proposed amendments. Also, we conducted industry-wide briefing forums jointly with the Construction Industry Council (CIC) between September and October 2013 to brief stakeholders of the proposed amendments.

The industry generally agreed with the proposed amendments set out in the Bill. Let me briefly introduce the relevant amendments. Firstly, we propose to change the basis of registration from "trade" to "trade division" (that is, "skills") to facilitate workers in registering under their respective modular skills, and introduce master skills to encourage workers to acquire multi-skills to enhance employability and flexibility of manpower deployment in the industry. We also propose to allow registered skilled workers of selected "skills" to work across skills and carry out works of other similar "skills".

Furthermore, without prejudicing the safety of the construction works, the regulation of other legislation and special registration requirements, we propose to exempt certain skills relating to "emergency construction work" and "small scale construction works" from the regulation of the "designated workers for designated skills" provision, which include: (1) allowing the contractors to, within the initial 48 hours upon the contractors being aware of the emergency incident, arrange registered workers not belonging to the designated trade division (that is, general workers) to immediately carry out the emergency construction work, thereby providing time for the contractors to deploy registered skilled workers of the relevant trade; and (2) allowing the contractors to follow the existing practice and deploy general workers to carry out small scale construction works involving simple work procedures but multiple skills. We propose to empower the Secretary for Development to make regulation on the detailed arrangements.

As the industry shared the view that a construction worker with not less than 10 years' working experience in a skill should have attained the skill level of a skilled worker, we therefore propose to introduce a one-off grandfathering registration arrangement so that senior workers possessing not less than 10 years' working experience can enjoy smooth transition and register as skilled workers under specified conditions.

To facilitate gradual adaption of the industry, we also propose that major construction works will be regulated first two years after the enactment of the Amendment Bill according to a descending scale. We will closely monitor the adaption of the industry and leave the maintenance works under term contract and minor construction works to be regulated at a later stage, which include works costing less than \$10 million as well as Class I and II Minor Works.

When the CIC amalgamated with the former CWRA in 2013, we amended the CWRO to allow the construction worker registration card to record information of other construction-related cards. So far, we have identified 23 such cards and their issuing authorities generally agreed with the relevant arrangements, except that amendments have to be made to the relevant legislation in respect of certain cards. Therefore, we propose consequential amendments to the relevant legislation to enable the construction worker registration cards to be used as proof of possession of other construction-related cards.

The abovementioned measures were formulated on the basis of the industry's operation mode to facilitate the workers in continuing their daily work upon the implementation of "designated workers for designated skills", whereas the contractors can continue to deploy existing workers to carry out construction work. On the other hand, we will continue to recruit and train up local workers to increase manpower supply, as well as step up publicity to enhance workers' understanding of the "designated workers for designated skills" provision so that they will expeditiously register as skilled or semi-skilled workers. We therefore opine that the implementation of the "designated workers for designated skills" provision should not have any adverse effect on manpower supply and the cost of construction.

We briefed the Legislative Council Panel on Development on the legislative amendments on 20 December 2013, and Members did not oppose the tabling of this Bill to the Legislative Council.

President, the full launch of the workers registration scheme under the CWRO will be a key milestone in the development of the construction industry. It is pivotal to the long-term development of the construction industry, the fostering of a quality culture in the industry, and raising the status of construction workers in particular. We hope that this could attract more people to join the construction industry, especially young people. I therefore implore Members to support the Bill, complete the scrutiny process and pass the Bill early.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Construction Workers Registration (Amendment) Bill 2014 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee and continues to deal with the Appropriation Bill 2014.

APPROPRIATION BILL 2014

CHAIRMAN (in Cantonese): In accordance with Rule 68 of the Rules of Procedure, the Committee will consider the Schedule first.

I now propose the question and that is: That the sums for the following heads stand part of the Schedule.

CLERK (in Cantonese): Heads 23, 24, 26, 27, 48, 106, 114, 120, 163, 166, 168, 181, 184 and 188.

CHAIRMAN (in Cantonese): Just now the Clerk has read out the heads to which no amendment is proposed. We now proceed to the first joint debate. Does any Member wish to speak?

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in this first joint debate, I would like to speak on head 23 regarding the Auxiliary Medical Service (AMS), which is one of the 14 heads to which no amendment is proposed.

I believe many Hong Kong people must have seen the AMS providing services to the general public on various occasions. According to the Government's description for head 23, the aim of the AMS is (and I quote), "[T]o augment the existing medical and health services for maintaining the healthcare and well-being of the territory, especially in times of emergency, having regard to internal security considerations".

Every year, Hong Kong will host many major mega events. Of course, we are not talking about the sorts like lion dances or dragon dances, but events such as rugby matches, float parades or even the July 1 march where large crowds of people will congregate. I will now discuss from a factual perspective whether the AMS can confidently say that it is adequately trained to achieve the aforesaid aim, especially in respect of handling emergencies such as the Occupy Central movement in which the Central district may suddenly be seized by 10 000 people? Certainly, it is still an uncertainty for the time being, and there is no need for the AMS to conduct any special drill for this purpose. But the question is: There should be some sort of standard regarding its routine training. What is this standard then? Of course, it is not by conjecture by any Member of this Council, and the standard is actually proposed by the Audit Commission of the Government.

Objectively, being an independent authority appointed by the Chief Executive, the Audit Commission is tasked to conduct audits with its professional expertise and needs not be accountable to any government department. Regarding this question, my first point is: Good tools are a prerequisite for good

work. Equipment aside, can the AMS be considered as well-trained insofar as its manpower resources are concerned?

The relevant document is page 5 in the Audit Commission's report published on 25 October 2011 concerning the AMS Chapter. As Members may not have this document on hand, for the record, I should read out briefly an excerpt from Part 2 of this Chapter in page 5 relating to the training of AMS members. As stated in paragraph 2.1, the said Part of the report is intended to examine various issues relating to the training of members. But I will not go into the details here. Instead, I will only read out an excerpt on the Audit Commission's observations. As pointed out in paragraph 2.4 in page 6, "Audit notes that after the issue of the 2001 AMS Standing Order, members attending substantially less than the minimum of 60 hours of training stipulated in the AMS Regulation may still be regarded as having met the minimum training attendance requirement." It then went on as follows, "Audit is concerned that such members may not have received adequate training for performing their duties effectively." Of course, the Audit Commission then made its recommendation: "In Audit's view, the AMS needs to review the Standing Order on training policy to determine whether revisions are required or additional safeguards should be introduced to ensure members are adequately trained."

Chairman, notwithstanding the Audit Commission's recommendation, have actions been taken by the AMS accordingly? Of course, it has not, and we can even say that the advice has fallen on deaf ears. But how bad is the actual situation? The AMS Standing Order was issued some 13 years ago in 2001, and judging from the statistics in Table 1 of the Chapter, the situation is gravely unsatisfactory, so to speak. In 2009-2010, insofar as the situation of members not meeting the minimum requirement was concerned, 48 members (2%) did not attend any training at all — which was still not too bad — while 217 members (7%) attended one to 59 hours of training. In total, they accounted for 9%, or less than one tenth, of the members. However, the situation had not improved since. As shown by comparable figures in 2010-2011, insofar as the number of members not meeting the minimum training attendance requirement (that is, 60 hours) was concerned, 86 members (3%) did not attend any training at all, representing an increase of 1% year on year, while 416 members (14%) attended a certain amount of training between one and 59 hours, still falling short of the requirement of 60 hours.

Chairman, is that not terrible? I have no idea who formulated the AMS Standing Orders, but it should be the AMS itself or its higher supervising authority. Let us put things in perspective. In 2009-2010, only 9% of the members did not meet the minimum training attendance requirement, but the ratio increased to 14% in 2010-2011. Is that not ridiculous? With that said, I think many people will jump to the conclusion that I would seek to reduce its expenditure. But I have not proposed any amendment to this head. What I want to say is that ... The Financial Secretary is not in the Chamber now. This is a blatant slight on me. But I must say what I have to say, even if he is not present, and I would make him return to listen to my speech. Hence, Chairman, I request a headcount.

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

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

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I would like to seek your ruling first. Previously when I displayed an object in the Chamber, you would sometimes give your approval and sometimes not, saying that the object must be relevant to the question under discussion. Now in the Chamber we can see a pair of golden scissors — as the namesake of an old Cantonese movie starred by YU Lai-jan — and a placard with the words "Filibuster 001" as displayed by Mr CHAN Kam-lam. May I ask if those objects are relevant to the question under discussion.

CHAIRMAN (in Cantonese): Mr LEUNG, your point is whether the objects displayed by some Members in the Chamber are relevant to the Council's proceedings or not. Please sit down.

Mr WONG Kwok-hing, is the object displayed by you relevant to the Council's proceedings?

MR WONG KWOK-HING (in Cantonese): Thanks, Chairman, for the excellent question. This pair of golden scissors is of course relevant to the Agenda item because it is meant to betoken and implore the Chairman's early move to cut off the filibuster. Now that the Chairman has asked me this question, I would like to urge you, for the first time, to cut off the filibuster as soon as possible. The Committee is now discussing the heads to which no amendment has been proposed. Actually, regarding these heads in the Draft Estimates, there used to be no need for debate, yet the Members concerned have now abused the time of the Council ...

CHAIRMAN (in Cantonese): Mr WONG, I only asked you for an explanation as to whether the object displayed by you is relevant to the meeting. It is not the right time for you to express your views now.

MR WONG KWOK-HING (in Cantonese): As you asked me for an explanation, I was prompted to speak immediately.

CHAIRMAN (in Cantonese): If you wish to speak, please press the "Request to speak" button.

MR WONG KWOK-HING (in Cantonese): Okay.

CHAIRMAN (in Cantonese): Please sit down.

Is the object over there displayed by Ms Starry LEE or Mr CHAN Kam-lam?

MS STARRY LEE (in Cantonese): That object is displayed by me. The object is called a "Filibuster Timer", which is absolutely relevant to the ongoing

filibuster because Members who propose the amendments have already made it clear that their intention is to strive for political demands through filibustering.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, I hope you can prove with facts that you are not filibustering now. In that case, I shall ask the Members concerned to remove the objects on display.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, pardon me for saying so, notwithstanding your objective perception of a filibuster going on, we are now in the first joint debate on the 14 heads to which no amendment has been proposed. I have not proposed any amendment to these heads and hence, it is a case of "Having no filibuster for the paranoid folks to curtail". Are they not being much too highly strung? What does it have to do with me?

CHAIRMAN (in Cantonese): Mr LEUNG, once I have determined that no filibuster is going on, I will ask the Members concerned to remove the objects. As Mr LEUNG knows, there is no direct relationship between staging a filibuster and proposing the amendments.

(Mr CHAN Chi-chuen raised his hand in indication)

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

MR CHAN CHI-CHUEN (in Cantonese): Has the Chairman made a ruling yet? If you have ruled to allow their display of those objects, can I display an instrument on the desk tomorrow, in order to tally the number of attending Members from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) or the Hong Kong Federation of Trade Unions (FTU)?

CHAIRMAN (in Cantonese): I do not quite understand your question. Are you raising a point of order?

MR CHAN CHI-CHUEN (in Cantonese): What I mean is that if Ms Starry LEE can display this so-called "Filibuster Timer", can I also display an "Attendance Sheet" here from now on, in order to tally the number of attending Members from the DAB or the FTU on the ground that it is relevant to the question under discussion?

CHAIRMAN (in Cantonese): What you have raised is not a point of order. Mr LEUNG Kwok-hung, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman ...

(Mr LEUNG Yiu-chung raised his hand in indication)

CHAIRMAN (in Cantonese): Mr LEUNG, what is your point?

MR LEUNG YIU-CHUNG (in Cantonese): Point of order. Chairman, I would like to know whether we are now discussing the amendments relating to head 21, and so on, or not?

CHAIRMAN (in Cantonese): No, we are in the first joint debate, discussing those heads to which no amendment has been proposed.

MR LEUNG YIU-CHUNG (in Cantonese): I see, Chairman. In that case, why did you make reference to the term "filibuster"? Which question is related to filibustering?

CHAIRMAN (in Cantonese): Mr LEUNG, please sit down. We already have a lot of experience with filibustering. By the so-called filibustering, it means that Members are speaking continuously on a particular question. Even before this meeting is held today to deal with the Appropriation Bill 2014, some Members have already stated in public that they would filibuster during this stage of the Bill.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, my question is: Whether the basis of the speeches of Members is this paper or the Member's speech *per se*? If it is the former, nothing has been mentioned about the term "filibustering" at all. So, why did you bring it up? Moreover, why did you say that the Member had spoken repeatedly? Who has spoken repeatedly just now? If you hold that a Member has repeated the contents of his speech, you should stop the Member in question from speaking further.

CHAIRMAN (in Cantonese): Mr LEUNG, please sit down. I have already made a ruling. What I have said is that, once I hold that no filibuster is going on, I will ask the Members concerned to remove the objects relating to "filibustering" displayed by them.

MR LEUNG YIU-CHUNG (in Cantonese): But they have not removed those objects.

CHAIRMAN (in Cantonese): I have yet to be convinced that no filibustering is going on at the meeting. Please sit down immediately.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, do you mean that they are filibustering?

CHAIRMAN (in Cantonese): Mr LEUNG, if you still refuse to sit down, I would hold that you are filibustering. Please sit down.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I am protesting, not filibustering. I just have no idea why you let them display those objects here.

CHAIRMAN (in Cantonese): Mr LEUNG, I have already made the ruling. If you still refuse to sit down, I will order you to leave the Chamber.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I am questioning your ruling.

CHAIRMAN (in Cantonese): I have already made the ruling.

MR LEUNG YIU-CHUNG (in Cantonese): I put up a strong protest against you. The term "filibuster" is not mentioned in the paper at all. Why did you rule that this is a case of filibustering?

CHAIRMAN (in Cantonese): Mr LEUNG, I am now warning you for the second time. If you do not sit down immediately, I will ask you to leave the Chamber.

MR LEUNG YIU-CHUNG (in Cantonese): I will leave on my own accord, but I must state my objection.

(Mr LEUNG Yiu-chung left the Chamber. Mr CHAN Chi-chuen raised his hand in indication)

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, 14 Members would propose amendments to the Bill. Is Ms Starry LEE's timer intended to target any specific Member, or are all Members who will speak later also included?

CHAIRMAN (in Cantonese): Mr CHAN, we are now conducting the first joint debate, and Members should express their views on the heads covered by this joint debate.

Mr LEUNG Kwok-hung, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): The objects on display now should be related to the 10-odd heads of expenditure. But your ruling is final, and I will argue no further. I know God is watching.

Just now, I have some time on hand and so I decided to call Members back. But actually it is John TSANG whom I want to recall because he is no different from a Member here. But if he is not willing to come back, there is nothing I can do. Without further ado, let me return to the document I mentioned just now. President, do you have that document? I mean the Audit Commission's ...

Where was I just now? Members please listen up and do not blame others for filibustering. According to the statistics compiled by the Audit Commission, the situation with the training hours of members of the Operations Wing of the AMS has been worsening, and there is no excuse for it. Hence, my view is that while I cannot allocate additional resources to it to improve its services under the existing mechanism of enacting the Appropriation Bill, I think this might be caused by some hidden reasons. As the Audit Commission is only tasked to conduct audits, it will not ask the controlling authority of the AMS to investigate the problem with a sympathetic attitude.

Hence, I had wanted to increase its funding provision, but I cannot do so because of the existing legislative procedure. Therefore, while I have not proposed any amendment to this head, given the AMS' great mission — let me reiterate that its aim is to provide essential services in times of emergency — I would call on the SAR Government to take into account the findings of the Audit Commission and review the problem as a whole because the consequence can be disastrous if members of the AMS are not adequately trained. Regarding this point, I hope the Audit Commission's report can have some monitoring effect on the AMS. Moreover, I hope those Members who consider my speeches meaningless can deeply learn from this lesson and demand accountability in this regard at the relevant panel, so that sound measures can be identified to increase the number of training hours of members and bring about further improvement to the services provided by the AMS.

In addition to the view I expressed just now regarding the provision of additional funding and support, I also note the Audit Commission's finding that disciplinary actions have only been taken against 14 members, which is a far cry from the triple-digit figures I mentioned just now. Notwithstanding the

Administration's original intention to establish a team with public funds to serve Hong Kong people through its public powers, lenient sanctions have been imposed when the members did not meet the relevant requirement. Basically, less than 10% of those members who have not received 60 hours of training over one year — mind you, the period concerned is one year, not one month — were sanctioned, which is really unacceptable. Take for example my protests against the Chairman in this Council. If I protested against the Chairman 10 times, I would have been expelled 10 times, right? Hence, regarding this point, I think the controlling officer of the AMS cannot possibly shirk his responsibility. If I were given the opportunity today to revise the estimated expenditure, I would deduct his remuneration and then increase the expenditure for this service. Unfortunately, I cannot propose any increase under the mechanism for enacting the Appropriation Bill, and there is no reward and penalty system in this regard.

Chairman, another problem is related to duty performance. Apart from the situation with members' training, what about the situation with duty performance? Talking about the subject of duty performance, it is of course related to the question of attendance or retention because while members of the AMS would receive publicly-funded training, the qualifications they obtain are granted on a personal basis. Perhaps Members may find it difficult to understand, but what I mean is that so long as a person joins the AMS and obtains the relevant qualification after receiving training, that would be his personal qualification for life, unlike that the qualification of a driving instructor as the said qualification belongs to his employing company. The standard pertaining to the use of public funds is very lax, and nothing matters so long as members receive the training. As such, it has given rise to the situation where members would leave the service after obtaining the relevant qualifications without providing any service. This problem will not arise in the private market because a contract would be signed between the parties concerned. In other words, if an employee learns a particular skill with sponsorship, he would be required to continue service for one or two years after obtaining the relevant qualification for that skill. Otherwise, a financial penalty would be imposed. Just like if I sign a contract with Cable TV or TVB for the viewing of football matches, all promotional offers would expire once I cancel the contract.

However, a publicly-funded organization has failed to deal with such a major loophole. As a result, the AMS has presented people with the opportunity to join the service and acquire the relevant skills qualifications, yet those people may have no intention to provide service at all, that is, they are not inclined to

provide the necessary essential services in times of emergency as pledged in the aim of the AMS (*The buzzer sounded*) ... I have to stop now and speak on it further next time.

CHAIRMAN (in Cantonese): Speaking time is up. Does any other Member wish to speak?

MR CHAN CHI-CHUEN (in Cantonese): Chairman, in this joint debate, Members have not proposed any Committee stage amendment (CSA) to 14 heads in the Appropriation Bill. Actually, they have proposed CSAs to 69 heads. I am pleased to note that unlike last year when some Members gave up their right to propose CSAs at the Committee stage in order to distance themselves from those Members who were involved in the filibuster, 14 Members have proposed CSAs this year.

As Members surely know, we have not proposed any CSA to the 14 heads to reduce the proposed provisions not because there are no shortcomings or mistakes. As Mr LEUNG Kwok-hung said just now, if the provisions for the AMS are reduced, there will be a big problem. Initially, I had no intention to speak in relation to the AMS, but was prompted to do so by Mr LEUNG Kwok-hung's observation and I have to thank him for that. I will speak on the problems of the AMS which I have just observed before expressing my particular concerns about the 14 heads.

The AMS is an auxiliary force established under the Security Bureau which has 4 602 members. The expenditure estimate of the AMS this year is as much as \$80.6 million, which represents an increase of 8% when compared with the estimate of last year. I believe Members may not have read all the heads in the Estimates in detail, but according to my observation, there is a serious problem with the AMS which concerns the target training man-hours of its cadet corps in paragraph 5 of the Programme. Four sets of figures are included under this column, namely, cadet induction training, cadet general regular training, cadet centralised training and cadet exercise and visit. The target training man-hours proposed by the AMS were not been reached for the last two years and a difference of thousands of hours with the actual training man-hours was recorded each year.

Instead of discussing items one by one, I will only mention two of them for public comment. First, the target man-hours for the cadet induction training for the last two years were 19 200, but the actual man-hours were only 9 000 in 2012 and 12 000 in 2013. However, in 2014, the target man-hours have been set at 19 200 as before. Second, the target man-hours for cadet general regular training were 87 000, but the actual man-hours were only 52 000 in 2012 and 67 000 in 2013 which again showed a large shortfall, buddy. Nevertheless, the target man-hours in 2014 have been set at the old level of 87 000. What do these figures show us? They show that the Government has to explain why it has repeatedly failed to meet the targets, but nobody has made such a demand, nobody has monitored the situation and nobody has paid any attention. Hence, I am grateful to Mr LEUNG Kwok-hung for raising the problem, but since he has not pointed out these observations in his speech, I have this supplement.

In 2011, the Audit Commission revealed certain administrative problems of the AMS and I would now list a few examples. The criticisms included that it was not cost-effective for the AMS to use its ambulances as goods vehicles, as records showed that the usage of five town ambulances for delivering first aid stores and equipment represented 35% of the kilometres run. Second, the store items in the emergency stores of the AMS have not been inspected and verified for 20 years — this point was not raised by me, but by the Director of Audit's report. The AMS has failed to comply with the requirement to conduct stock checks at least once every three years, instead, it has only conducted annual stocktaking by randomly selecting store items for inspection and verification. Let me tell Members some facts which are even more shocking. Some endotracheal equipment of the AMS expired two years ago, some of its diagnostic tools were rusted and the stocks of its uniform items would meet the requirements for 27 years. As Mr LEUNG Kwok-hung has mentioned the point that rank-and-file members are required to attend a minimum of 16 hours of duty training each year, I shall not repeat it.

In fact, the \$2 million-worth blood analyser and electrocardiogram equipment procured by the AMS when Hong Kong hosted the Olympic and Paralympic Equestrian Events have never been used, but the AMS needs to pay an annual maintenance service fee of more than \$40,000 for the items. The AMS has 16 training venues, but the utilization rates of five of them are below 10%, and the training venue at the New Territories East Regional Headquarters, which commenced service three years ago, has a utilization rate of only 2%. In 2009, members of the AMS administered Pneumococcal Conjugate Vaccines for

infants in various Maternal and Child Health Centres under the Department of Health (DH), but they distributed inappropriate doses of antipyretics to the parents. As a result, the Hong Kong Medical Association bombarded the DH for committing a serious dereliction of duty by engaging the AMS to administer the vaccines and distribute the drug and considered that the doctors of the DH responsible for making the decision might have committed an act of professional misconduct. These are my additional remarks on the points raised by Mr LEUNG Kwok-hung. Although no Member has proposed any CSA on the Programme of AMS to reduce the provision for its expenditure this year, Members may be aware that we have no other choice. We have not proposed to cut its provision out of empathy or in consideration of the public's need for the services, but that does not mean we will not point out or comment on the problems of the AMS.

(THE CHAIRMAN'S DEPUTY, MR RONNY TONG, took the Chair)

Deputy Chairman, I will now formally speak on the expenses of Head 24 — Audit Commission. Certainly, Members have not proposed to reduce the provision for the expenditure of the Audit Commission during the Committee stage of the Appropriation Bill in the past few years because they understand the underlying reasons. What role does the Audit Commission play? Members would know the answer if they have taken the time to read the Estimates which are distributed to us every year. Let me give a brief account now.

The Audit Commission, which is independent of the Government framework, has two programmes, namely, regularity audit and value for money audit. Like the Legislative Council, the Audit Commission plays a very important role of monitoring the Government and Members have not proposed to reduce its provision in the Budget this year. However, noting that the estimated expenditure under Programme (1) of the Audit Commission is only \$46.9 million, I doubted whether that would be sufficient for it to meet the latest international standards. I raised the question with the Audit Commission in one of the special meetings of the Finance Committee. At that time, the Audit Commission replied that it had all along noted and complied with the latest international standards stated in Programme (1). The reply certainly begs another question: What are "the latest international standards"? The reply given is that they are "those issued by the International Federation of Accountants and the International

Organisation of Supreme Audit Institutions. These standards are reviewed and revised by the two international standard setting bodies from time to time".

The International Organisation of Supreme Audit Institutions recently passed the Beijing Declaration in its Twenty-first International Congress. The term "good governance" in the document's subtitle of "Beijing Declaration on Promotion of Good Governance by Supreme Audit Institutions" is a term often used in the Mainland, but it has now become a popular term used by the Hong Kong Government. If Members examine the estimated expenditure of the Audit Commission of Hong Kong in the light of the Beijing Declaration, they will worry if the provision of \$46.9 million can meet the requirements of the latest international standards. The Beijing Declaration contains two parts, the main text and two annexes. Let me quote certain parts from this lengthy document, "Supreme Audit Institutions improve national good governance and the outcome of the discussion of Theme I: National Audit and National Governance is summarized below. Supreme Audit Institutions have been recognized as an essential part of good governance and as such, they should continue to safeguard democracy and the rule of law" — that is stated in the Beijing Declaration, and — "to increase governmental efficiency, prevent and fight corruption, safeguard national security, promote the improvement of people's livelihood and increase transparency and accountability, so as to enable the promotion and improvement of national governance and the sustainable development of society, economies and the environment". Regarding "safeguarding the long-term sustainability of finance policies" ...

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, please by virtue of Rule 17(1) or 17(2) of the Rules of Procedure concerning quorum, but I have forgotten which one ...

DEPUTY CHAIRMAN (in Cantonese): According to which Rule are you making the request?

MR LEUNG KWOK-HUNG (in Cantonese): Is Council in Committee now?

DEPUTY CHAIRMAN (in Cantonese): Yes, it is.

MR LEUNG KWOK-HUNG (in Cantonese): In that case, I request a headcount under Rule 17(1) of the Rules of Procedure.

DEPUTY CHAIRMAN (in Cantonese): Do you mean a quorum is not present?

MR LEUNG KWOK-HUNG (in Cantonese): Yes. Please give your ruling, Deputy Chairman.

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

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

DEPUTY CHAIRMAN (in Cantonese): Mr CHAN Chi-chuen, please continue.

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, just now, I was speaking on Head 24 — Audit Commission and I stated the contents of the Beijing Declaration which was passed in the Twenty-first International Congress of the International Organisation of Supreme Audit Institutions, including "Supreme Audit Institutions improve good governance". Now I would speak on the outcome of the discussion on the role of Supreme Audit Institutions in "safeguarding the long-term sustainability of finance policies" which is Theme II of the Congress. Supreme Audit Institutions should safeguard the sustainability of national finance policies and improve national good governance through strengthening government financial statement audits, improving public finances performance audits, reinforcing public debt audits, enhancing the audit of

compliance with fiscal rules and financial regulation and fostering the evaluation of public financial policies. I will now speak specifically on the problems of the Audit Commission of Hong Kong.

In this Budget, the provision for the Audit Commission has been increased to meet the requirements of its work, that is, to meet the latest international standards. However, we doubt whether the resources, funding and capacity of the Audit Commission will be sufficient to meet such requirements. Compared with the revised estimates for 2013-2014, the man-hours spent in Programme (1): Regularity Audit has been increased from 87 604 to 93 937, representing an increase of 7%. The Audit Commission pointed out that this is mainly due to the fact that additional staff resources (1 Auditor, 1 Senior Examiner and 1 Examiner) are required for conducting more in-depth compliance audits in 2014-2015. These compliance audits will focus on major programme areas involving significant government resources and covering multiple bureaux and departments. The objective is to ensure that relevant and applicable laws and regulations governing the management of public funds have been complied with by Bureaux/Departments and that public funds have been spent for the purposes voted by the Legislative Council. As Members may be aware, it will be difficult for us to monitor the use of funds once they are approved by the Legislative Council. We have to rely on the Audit Commission to do the monitoring work. The Audit Commission pointed out that more in-depth compliance audits have to be conducted, but there is no indication in its estimated expenditure that it has taken note of the requirement to meet the latest international standards as referred to in the Beijing Declaration. Has the Audit Commission neglected the high order of "improving good governance" given by China? It seems to us that the Audit Commission is just following old practices and has adopted the same approach as that of last year. In fact, it has adopted the same approach every year. It seems that the Audit Commission has failed to follow the major direction of improving national good governance. In 2012-2013 and 2013-2014, the Audit Commission has not conducted any studies on formulating or evaluating public policies or strategic public policies, it has not planned to conduct such studies in 2014-2015 and has not earmarked any funding for such purposes. As I said earlier, the Beijing Declaration proposes to achieve good governance globally, face the reality of intense globalization, promote the co-operation of Supreme Audit Institutions within the international community and the International Organization of Supreme Audit Institutions and improve national good governance. It seems that these objectives have not been achieved by the Audit Commission.

The Audit Commission pointed out that it was not involved in any Hong Kong/Mainland cross-boundary co-operation activities in 2011-2012 and 2013-2014. The Audit Commission does not have any plan for such activities and has not earmarked any provision for the purpose in 2014-2015. Besides, no provision is set aside specifically for visits to the Mainland. The expenditure on duty visits to the Mainland will be absorbed by the provision reserved for overseas duty visits. It seems that the Audit Commission has underestimated the general public's concern about cross-boundary co-operation activities. As pointed out in the Beijing Declaration, the public expects the audit institutions to take up the additional important role of maintaining legal order, disclosing illegality, curbing the abuse of power and safeguarding democracy and the rule of law with a view to conducting more in-depth Hong Kong/Mainland cross-boundary audits.

Furthermore, we are concerned whether the Audit Commission will have sufficient manpower to cope with its work. As stated in Programme (2): Value for money audit, the estimated staffing expenditure is only \$97.5 million. Given the growing demand for public accountability, the Audit Commission has pointed out that in planning to conduct value for money audit, (*The buzzer sounded*) ...

DEPUTY CHAIRMAN (in Cantonese): Speaking time is up. Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese): Deputy Chairman, regarding the provisions for the heads to which no amendment has been proposed, the increase in the expenditure of a number of government departments has in fact aroused our concern because injustice exists.

We have in the past repeatedly made strong criticisms of the Budget, be it last year or this year, pointing out that the content is tilted in favour of the bigwigs. In fact, it is the same case for government departments and bureaux. Let us take a look at the increase in expenditure of the departments in this year's Budget. Just now two Members have raised the problem of the Audit Commission. Its expenditure increases by 3.5%, a rather low rate compared with the average of 7.6% for government departments. Two other departments also suffer from low expenditure growth, one of which is the Hong Kong Observatory with an increase rate of 4.8%. The worst case is the Office of The Ombudsman the expenditure of which only increases by 0.3%. If inflation is taken into account, its expenditure actually decreases in real terms. Obviously,

for those organizations responsible for monitoring government departments, the increase rate of expenditure is relatively lower than the overall rate. Taking into account inflation, the financial expenditures in money-of-the-day prices of these watchdogs have in fact been reduced. Later on I will discuss the worries and impacts caused by the decrease in expenditure of these departments.

Nonetheless, just like the Budget which is tilted in favour of the bigwigs, some departments and bureaux have seen a high increase rate in their expenditure. Which one has the highest increase rate? While the average rate for government departments is 7.6%, the expenditures of the Chief Secretary for Administration's Office and the Financial Secretary's Office increase by 18%. Deputy Chairman, the rate is 18%. Those organizations responsible for overseeing the operation of other departments work like a dog, often doing the thankless tasks, but yet their expenditures are cut and their funding frozen. For those officials in high positions who are responsible for drafting the Budget, controlling various government departments, or the "fighter" Secretary of Department ... can she be the "fighter" only when she has money? If so, how can they be regarded as "fighters"? They make use of money to bully others. It is most ridiculous that the expenditures of the Chief Secretary for Administration's Office and the Financial Secretary's Office increase by 18%. Being responsible for drafting the Budget, the Financial Secretary can get the most expenditure increase for his office; on the contrary, other departments remain poor and some of them even have to cut their expenditures.

Let us take a look at the Audit Commission. I will talk about the bureaux and departments one by one ... "Long Hair", you need not request a headcount for me because I still have a lot to say. On the whole Budget, we propose to cut the expenditures of the Financial Secretary and the Chief Secretary for Administration. However, according to the Basic Law, the Legislative Council does not have the power to increase the expenditures of departments. We cannot propose a motion seeking to increase the expenditures of certain departments; otherwise, I will definitely propose to increase the expenditures of the Audit Commission, the Office of The Ombudsman and the Hong Kong Observatory so as to do justice to these departments. But unfortunately, the Legislative Council has been deprived of such power of increasing departmental expenditures. Instead, the Council can only propose to cut expenditures. As such, we have proposed a number of amendments to cut the expenditures. Such amendments have nothing to do with filibuster. Please do not always cover up the disgrace of those departments and the injustice of the Budget by accusing us of filibustering.

Compared with last year, the expenditure of the Audit Commission increases by 2.7% this year. In terms of workload, basically there has been no significant change over the two years. The number of accounts to be audited is 81, a decrease of only one compared with the actual number of accounts audited last year. The number of value for money audit reports to be issued this year remains at 18, the same as previous years. The size of the establishment will increase by four posts. However, with the deteriorating governance in Hong Kong, we can see from many cases that the Audit Commission has helped expose a lot of problems. These include the chaotic accounting arrangements for the Dragon and Lion Dance Extravaganza co-ordinated by some Members. Without the monitoring of the Audit Commission, the transfer of benefits among the bigwigs may go unchecked. This is absolutely ridiculous. The Chief Executive's Office is another example where the Chief Executive or senior government officials took luxurious wine such as moutai upon retirement or stepping down. They returned the wine only after exposure by the media. Therefore, if the Audit Commission is not here to check how departments, senior officials and bigwigs waste public money, how they abuse their power for personal interests and make use of public money for their personal benefits, there will be disasters in Hong Kong. For this reason, the Audit Commission must be allocated reasonable and appropriate provisions for it to exercise its public powers to oversee the "689" Administration under slow-witted LEUNG Chun-ying. We must stop them from continuing the transfer of benefits by making use of public money and from wasting public money. Therefore, monitoring by the Audit Commission is crucially important.

As I said just now, the increase in the overall expenditure of the Audit Commission is relatively low compared with the average rate of government departments at 7.6%. With an actual increase of 2.7% in expenditure and the creation of only four posts, the Audit Commission cannot be compared with other government departments, especially those which substantially increase their manpower such as the Chief Executive's Office. I must therefore point out such absurdity through this debate.

Deputy Chairman, another department I would like to highlight is the Office of The Ombudsman. According to our initial observation, the increase in its expenditure is the lowest among all departments, with a rate of only 0.3% compared with last year. The reason is that the Office of The Ombudsman has pointed out a lot of absurdities in the conduct of the Government and the total violation of rules and guidelines by certain departments and senior officials.

The estimated expenditure of the Office of The Ombudsman this year is \$102 million. However, Deputy Chairman, for the relevant information, we will follow up in due course. We hope that the Office will enhance transparency and provide Members with more information for reference. We are unable to get the information on neither its staff establishment nor its estimated workload for 2014-2015. All we know is that the number of direct investigations instituted by the Office into government departments has remained at five to six over the past years. If sufficient or more resources are provided to the Office, more investigations may be instituted. In a number of cases, I have written directly to the Office requesting an investigation into certain aspects. In my view, the problem with many departments lies not only in the dereliction of duty on the part of individual officers, but also in the operational, structural and functional deficiency of certain departments and their low cost-effectiveness. These should not be dealt with just by the Audit Commission. The Office of The Ombudsman should also pay attention and conduct investigations so as to ensure that the operation of such departments is compliant with the regime.

We see that the Office of The Ombudsman suffers from insufficient manpower and expenditure limit. In 2011, the number of cases followed up by the Office is 2 381 but the number increased to 3 116 in 2013. If the actual increase in workload is taken into account, more staff and financial provision should be allocated. However, the Office is obviously treated unfairly. Maybe this is a characteristic of governance of "jackal" LEUNG Chun-ying. Is the decision of administering such mean and unfair treatment to the Office in terms of financial provision made by LEUNG Chun-ying, or by the Chief Secretary for Administration, Mrs Carrie LAM, or by the Financial Secretary?

The work plan of the Office of The Ombudsman for 2014-2015 has listed a number of initiatives. It is stipulated that greater emphasis will be placed on implementation, including monitoring the administrative actions of the public sector and instituting direct investigations. Probably what warrants an inquiry most is whether there is dereliction of duty on the part of the Transport and Housing Bureau in the Express Rail Link project. It is unreasonable that the whole bureau and department woke up from their dream only after the media had exposed the information. It is their primary duty to oversee the project that costs \$66.9 billion. But instead, they just daydreamed and let the MTR Corporation Limited (MTRCL) take control. Therefore, if the Office of The Ombudsman is given more resources and able to initiate investigations, the problems may have been uncovered earlier. The Secretary for Transport and Housing would not have woken up only after confidential documents were disclosed by the media. Besides the Secretary for Transport and Housing, the Chairman of the MTRCL

has also acted like waking up from a dream. This shows the importance of monitoring and initiating direct investigations; if not, many people could have exercised overwhelming dominance and wasted considerable public money. We can only pursue those responsible afterwards but it may be impossible to locate them by then, thus making investigation very difficult.

Another matter requiring attention in 2014-2015 is that the Office of The Ombudsman will encourage the use of mediation to settle complaints involving no or minor maladministration. At the district level, we have received a number of complaints from members of the public about matters including applications for public rental housing, Comprehensive Social Security Assistance, as well as many cases involving accidents, for example, damages caused to the public during the performance of duties by the Lands Department. If such problems are dealt with by legal arbitration ... as what the Director of Public Prosecutions from the Department of Justice said a few days ago, families of victims in the Lamma maritime disaster may file their case to the Court. How can they file the case to the Court when the report on the disaster is not yet released and the facts about the disaster not yet known? This case is a rather serious fatal accident.

However, accidents that occur daily are mostly cases in which members of the public are subjected to unfair treatment. For example, pictures of an elderly being bullied by a muscular female officer from the Food and Environmental Hygiene Department are widely circulated on the Internet. The Office of The Ombudsman should in fact initiate investigations and seek justice for the public through mediation. The staff should not administer unfair and unreasonable treatment to the public in exercising their public powers.

On the other hand, one of the matters requiring attention in 2014-2015 for the Office of The Ombudsman is to develop community programmes to arouse public awareness and understanding of the work of the Office. In fact, many members of the public already understand the work of the Office and they hope the Office can do something concrete. The best way to facilitate public understanding is to seek justice for the public. Successful cases will spread out by themselves and induce more people to seek assistance from the Office. We can actually see the growth in the number of cases from some 2 000 in 2011 to some 3 000 in 2013. It is obvious that the public have increased their confidence in and awareness of the Office of The Ombudsman.

In addition, it is very important to enhance professionalism and the quality of complaint management of the Office of The Ombudsman and the public sector;

The Ombudsman and his Office should strengthen relationship with other institutions through liaison and exchange programmes. On the other hand, we think it is important for the Office of The Ombudsman to initiate more direct investigations and step up its efforts in this regard.

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, since the additional provisions allocated to the Audit Commission are so small, naturally, it will be very difficult for the Audit Commission to continue to carry out value-for-money audit as it wishes. Frankly speaking, if audits are carried out only in the value-or-money approach, they cannot address the needs of modern society. This is because the crux of the problem lies not in how great the marginal utility is, that is, how much service or goods can be obtained in spending one dollar, but the need for the Government to have a goal in administration and of course, this involves another issue.

I am going to talk about the problems of the Auxiliary Medical Service (AMS) that were exposed by the Audit Commission. What problems does the AMS have? In the last session, I said that since the AMS had not put in place a system requiring members of the AMS to remain in the AMS for a period of time after obtaining their certificates or qualifications, failing which they would be required to pay compensations ... such a system is proven in terms of the principles of commercial operation because the aim is to prevent people from using public funds to pay examination fees and then resign after obtaining qualifications. In fact, it is not true that the Audit Commission did not take issue with this point, rather, it raised strong criticisms of this.

How bad is the present situation? It is so bad that the AMS only recovered the costs from some people but not from others. Let me cite the report of the Audit Commission on the AMS published on 25 October 2011. Paragraph 2.19 in page 11 of the report says that between 2008-2009 and 2010-2011, 125 members resigned from the AMS. The Audit Commission's sample checking — I do not know why sample checking had to be carried out, since it is only necessary to click a button on the computer to find out, so had the computer broken down? As a result of the sample checking, it was found that 21 members resigned within one year after completing their recruit training mentioned by me just now. Among these 21 members, the AMS only recovered

the training costs from nine of them, so a problem has arisen. Members all know that 21 minus nine is 12, so that means there is a larger number of people (12) from whom the AMS did not recover the costs or to whom it did not issue any demand note. I think many people in the Chamber would now wonder why no enquiry was made of the reasons for this. After going through the books and records, it was found that an unusual situation had arisen, that is, the costs should have been recovered from many members who had resigned but the AMS did not do so, so there were surely reasons for this, were there not? In the same vein, if Legislative Council Members cannot make it back in time to attend a meeting, there are also many reasons for this, for example, some Members may explain that there was congestion involving the MTR trains, whereas other may say they were ill. Even we have to give an account, but why is it not necessary for the AMS to do so? Obviously, the AMS did not do something that it should have done. The Audit Commission also pointed out that the AMS had not made any improvement or had only made very limited improvement.

The Audit Commission also raised another matter from the value-for-money perspective, that is, by dint of its public powers, the AMS has some training venues. Frankly speaking, had these sites not been allocated to the AMS for its use, they would have been allocated to other parties and they would surely be useful because there is an acute shortage of land. However, the Audit Commission found that the AMS training venues had low booking rates, that is, the venues are left idle without being used. Do Members not find this strange? Frankly speaking, it does not matter if the utilization rates are low as this kind of situations is commonplace. However, the AMS also has another disgraceful record, that is, when the utilization rates were investigated and it was asked how many people had used those venues, a strange situation arose — all government departments would do the same, that is, to exaggerate figures — when the Audit Commission enquired about the utilization rates of the training facilities in its five Regional Headquarters, the AMS immediately provided the information to the Audit Commission, but the latter subsequently found that the utilization rates were exaggerated by 15% on average. Is this not going too far?

On this issue, I think the low booking rates are a hard fact but in misreporting the utilization rates, the AMS is "acting like a dog in the manger". The booking rates for venues were actually low but the utilization rates were even lower, so the utilization rates were misreported. I think that on this score, the ultimate responsibility rests with the management of the AMS. For this reason, I think the AMS really owes the Legislative Council an explanation.

There is another matter that was even more outrageous. What I talked about just now was the low utilization rates in 2000 but this situation continued to evolve. When all Hong Kong people thought that there is no land that could be used, that there is a blind snatch-up of all available land and that housing developments are conducted even on small sites, the AMS commissioned its new training venue in the New Territories East Regional Headquarters, on a site covered by the North East New Territories Development Plan. New Territories East is my constituency as well as that of the Honourable Deputy Chairman. Even I would feel embarrassed in reading out the utilization rate for this venue because it stood at only 2%. Do Members not find this inconceivable? In building a new venue, of course, it was considered that there was such a need, so manpower, resources and funds were expended on its construction, but after the venue had been commissioned, its utilization rate turned out to be as low as 2%, so why did this happen? For this reason, the Audit Commission requested the AMS to explore ways of further raising the utilization rates of its training venues. However, as far as I know, the AMS failed to deliver on this score.

The members of the AMS lack adequate training, its courses were not well attended and after receiving training and leaving the AMS, its members did not have to pay the costs. Coupled with the under-utilization of its training venues, naturally, the services provided by it are affected. Concerning the services provided by the AMS — I do not wish to make empty claims — the Audit Commission pointed out in paragraph 3.7(c) in page 19 of the same report, "Deficiencies in managing duty attendance. Due to program bugs, the AMS's computerized database did not provide accurate management reports " — this will not happen even in the small offices in which the Deputy Chairman or I work but surprisingly, it happened to the AMS — "for monitoring members' duty attendance.". In other words, they are incapable of imposing any regulation, just like a blind man without a guide cane, so this is tantamount to "the blind leading the blind".

In the end, the Audit Commission found after carrying out sample checking that in February 2011 — a decade after requirements were put in place in 2001 — the report points out, " ... in February 2011 the number of members who failed to comply with the 80% duty attendance requirement was 47, compared with 222 as incorrectly shown in the management reports." — Members can thus see how great the discrepancy is, changing from a two-digit figure to a three-digit figure — and "Of these 47 members, only the priority rankings of two members were downgraded in accordance with the AMS guidelines." — that is, 47 people

were found to have failed to meet the requirement but actions were taken only against two of them — "Audit could not find documented reasons for not taking similar disciplinary action against the other 45 members."

If the management mentioned by the Audit Commission were to serve as the judge, we would be in great trouble. There were 47 people who committed the same offence but only two of them were punished, whereas the other 45 people were not punished and the reasons for this are not known. Such a situation should not arise in any organization practising modern management concepts. Having said all this, we actually want to point out that the AMS practically does not have any record or its records are wrong, so such a situation is really quite bad. Moreover, this surely has had an effect on its services.

What are the effects? Let me cite lifeguard service as an example. It is said that "it is better to save one life than build a seven-tiered pagoda". Recently, the members of a lifeguards' union took sick leave *en masse* and they were immediately castigated by the management. I am now speaking according to the information provided by the Audit Commission because the AMS also plays a role in respect of lifeguard service. The report points out, "Currently, members are not subject to any requirement on the provision of lifeguard service." — that means they can choose either to do it or not to do it. This is not "getting the same pay no matter if one works hard or not", rather, they can choose either to do it or not to do it — "Between 2005 and 2009, 217 members acquired or revalidated their lifeguard qualification through attending Leisure and Cultural Services Department (LCSD) courses. Audit found that 77 members ... " — that is, slightly less than one third, that is, 35% — "did not provide any lifeguard service for the LCSD during the validity period of their qualification". This is yet another problem. Initially, the AMS was deceived. After receiving the basic services of the AMS, those members left without serving in it. Moreover, they do not have to pay either. The situation now is like an "Arabian camel". More of its services were then used because the AMS provided opportunities to them, so that they could learn from the LCSD another skill that was not absolutely necessary. After learning the skill, they should have helped provide a service but they did not. This is true of one third of the members.

What kind of system is this? Do the two officials think that such a course of action is correct? Many people say that "Long Hair" is filibustering again, but why does he have to filibuster? Because the administration by the Government is, as the colloquial saying goes, like "the bandages used in binding

women's feet in feudal China", that is, it is a both long and unpleasant story. Now, I am unwinding it, so that everyone can see it clearly. It is never-ending, one blunder leading to another and each blunder just gets more and more outrageous. Therefore, Deputy Chairman, I do not think I am filibustering. I am just lifting the veil, lifting up a piece of shroud or the bandage used in binding women's feet in the old days.

Thank you, Deputy Chairman.

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

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I would like to supplement the speech I made during the previous debate session on "Head 24 — Audit Commission" because I feel gravely concerned if the Audit Commission has adequate manpower to complete Programme (2) Value for Money Audit, given that the Audit Commission has received a financial provision of a mere \$97.5 million under this Programme.

With the growing demand for public accountability, the Audit Commission considers it increasingly important to strike a balance between the number and coverage of the audits when planning value-for-money audit studies. Given a fixed pool of resources and their sequential engagement in assignments throughout the year, can the Audit Commission actually strike the balance as mentioned in the reply given by the Controlling officer?

According to the Audit Commission, value-for-money audits are generally planned and scheduled about one year in advance, after taking into account such factors as availability of resources, and the materiality, risk, auditability and valued-added in selecting subjects for value-for-money audit. A value-for-money audit will be conducted when the situation warrants an in-depth review. In selecting a topic, the Audit Commission will review the economy, efficiency and effectiveness with which the audited body has discharged its functions and focus more on identifying any systemic issues. In general, each study takes five to eight months to complete, depending on the scope of the exercise. Such being the case, is the existing manpower of the Audit Commission adequate to respond to public demand and expectation for its work?

In public administration, expectation management is most crucial. I think that the Audit Commission has failed to take into account public expectation ... certainly, public expectation for the Audit Commission has become increasingly high. Members should understand this, too. If not for the Audit Commission, problems such as the one involving the Mega Events Fund would not have come to light. Similar problems are indeed too numerous to list.

According to the Audit Commission, "We monitor our resources requirements closely and seek additional resources from the Administration when there is a need to do so. In 2014-2015, we will create one new Auditor post to strengthen our support for conducting value for money audit." Is the creation of one new Auditor post adequate to cope with the public expectation? As we all know, given the complexity of the existing problems, even if there is no increase in the number of cases and samples, there might still be a need to increase manpower to conduct in-depth studies on various details because the Government always has something to hide with respect to each and every matter. Perhaps even the Government itself is in the dark and has no idea when this farce will end. It can only keep its eyes shut in outsourcing its tasks. As such, it can only rely on the Audit Commission to restore things to order.

Let me cite some figures. Over the past three years, quite a number of members of the public have written complaint letters to the Audit Commission requesting the conduct of audits against individual government departments or public bodies, with the cumulative number of complaints exceeding 100. Instead of reading out all the departments involved, I will only focus on some major departments. There are 160 complaints against the Food and Environmental Hygiene Department; 96 against the Highways Department; 101 against the Housing Department; 246 complaints, representing the largest number of complaints, against the Lands Department; and 116 complaints against the Leisure and Cultural Services Department.

The number of complaints lodged by members of the public has also shown a rising trend. Although the number might not exceed 100, such a rising trend warrants our attention. The government departments involved include the Buildings Department, Civil Aviation Department, Civil Engineering and Development Department, Commerce and Economic Development Bureau, Department of Health, Development Bureau, Electrical and Mechanical Services Department, Environmental Protection Department, Fire Services Department,

Hong Kong Housing Authority, Hong Kong Police Force, Hospital Authority, Independent Commission Against Corruption, Labour and Welfare Bureau, Office of the Communications Authority, Office of the Government Chief Information Officer, Social Welfare Department, Transport Department and Housing Department. For the sake of fairness, I have endeavored to read out the names of all the government departments involved. It can be seen from the relevant figures that the number of complaints against the departments concerned shows a rising trend. I hope to take this opportunity to request the departments concerned to conduct a review.

Members should understand that the Audit Commission cannot, as we expect, launch a value-for-money audit for individual complaints. What I mean is that one complaint does not justify the launch of a value-for-money audit. Nevertheless, in analysing and summing up the information and views provided by complainants, can more reference be made to ... appreciate and sympathize with the plights of the public and sense the people's urgency or sense their needs? In other words, in addition to a number of factors such as materiality, risk and auditability, can "effectiveness for society and the public" be included as one of the considerations?

Certainly, I cannot dismiss the efforts of colleagues in the Audit Commission. The Public Accounts Committee (PAC) of the Legislative Council is very concerned about the audit topics in the Director of Audit's reports. It is stated in Report Nos. 60 and No. 61 of the Director of Audit submitted to the Legislative Council in the past year that the PAC has selected six out of the 18 audit topics for public hearing, namely Administration of road safety measures, Pre-primary Education Voucher Scheme, preventive education and enlisting public support against corruption, direct land grants to private sports clubs at nil or nominal premium, management of roadside skips, and allocation and utilization of public rental housing flats. These Reports also contain the results of audits for major infrastructure projects such as the Tung Chung Road Improvement Project and Tamar Development Project. These audit topics are public concerns, too.

In view of this, I am more concerned about whether colleagues in the Audit Commission have the opportunity to continue to bring their strengths into play. What I mean is from the perspective of manpower, is their workload very heavy? Currently, idling departments have nothing to do, but capable departments have

to work very hard. Despite our sympathy with these departments, I hope the Audit Commission can expand its area of concern given the public expectation. In order to promote good governance — this concept is put forward in the "Beijing Declaration — promote good governance" mentioned by me just now — the Audit Commission should enhance manpower arrangements in response to public needs and raise the transparency of various government departments.

According to the agreement signed between the Legislative Council, the Government and the Director of Audit, a public organization subject to value for money audits must fulfil one of the following conditions: (a) the Director of Audit is empowered under any relevant Ordinance to audit its account; (b) more than half of its income is from public moneys (the Director may carry out value for money audits by virtue of an agreement made as a condition of subvention); and (c) the Director is authorized in writing by the Chief Executive in the public interest under section 15 of the Audit Ordinance (Cap. 122) to audit its account and record. Should the Audit Commission keep abreast of the times and, having regard to society's expectation for "good governance", regularly re-examine the relevant agreement, including its audit terms and ratio of public moneys? I hope measures can be taken by the Audit Commission in this regard.

Lastly, I appreciate the principle of economy adopted by staff of the Audit Commission in arranging for official entertainment and the reference made to relevant guidelines, rules and regulations in order to pre-empt any public perception of extravagance when entertaining guests for official purposes. According to the existing guidelines, officers hosting official meals should aim to spend not more than \$450 per person for lunch or \$600 per person for dinner, inclusive of all expenses incurred on food and beverages consumed on the occasion, service charges and tips.

In the years 2011-2012, 2012-2013 and 2013-2014 (as at 28 February 2014), the actual expenditures incurred by the Audit Commission on official entertainment were \$16,128, \$10,340 and \$2,450 respectively — I am now making a comparison of these three years in terms of expenditure for Members because it is very important to do so. Members can see that the expenditure has shown a trend of reduction, and the rate of reduction is very obvious, too. However, the estimated expenditure by the Audit Commission on official entertainment in 2014-2015 has been substantially increased to \$25,000 — the actual expenditure in the previous year was only \$2,450. For a government

department, this sum of money is certainly very small. We are not nitpicking, but we have noticed a trend of a sharp increase. Hence, we hope that a review can be conducted by the Audit Commission.

After talking about "Head 24 — Audit Commission", I will move on to discussing "Head 188 — Treasury", which is one of the 14 heads to which no amendments have been proposed.

According to the written reply submitted by the Financial Services and the Treasury Bureau to the Finance Committee of the Legislative Council on expenditure estimates, there are currently eight statutory funds and funds with designated use under the management of the Treasury. Over the past five years, the average annual return of these funds were only 1%, 2% or slightly higher than 3%, which were lower than the average annual return of 3.5% recorded by the Hong Kong Monetary Authority. Of all these funds, only the Quality Education Fund demonstrates a more outstanding performance, with its average annual return reaching 4.9%.

The Financial Services and the Treasury Bureau has explained in the written reply submitted to the Finance Committee of the Legislative Council on its estimated expenditure that since the scale of assets of some of the funds is relatively small or a high degree of liquidity has to be maintained, investments can only be made by way of fixed term deposit which yields a lower return. In fact, like depositing money into banks, there is virtually no management of funds to speak of. According to the reply given by the Treasury to a question numbered 5598 and raised by James TO in a special Finance Committee meeting, the estimated expenditure for this year for the management of funds of the Treasury was \$7.4 million, which was required for reviewing the strategic asset allocation of the various funds, and so on. Actually, this makes no sense because it is like depositing money into banks to earn an interest of 1% or 2%. In this case, should \$7.4 million be set aside for the management of funds?

After examining the circumstances of other government departments, Members will find that the investment performances of the Treasury greatly vary. Nevertheless, the Inland Revenue Department (IRD), also under the Financial Services and the Treasury Bureau, has performed quite well in cases involving back tax and penalties. Although the amount of estimated expenditure incurred by the Field Audit and Investigation Unit (FAIU) of the IRD this year is around

\$21 million, which appears to be quite large at a glance, some \$2.5 billion in penalties has been assessed by the FAIU in relation to tax evasions, tax defaults and deferred tax payments, and \$2 billion has actually been recovered. The good performance of the IRD indeed merits our commendation.

Meanwhile, as early as 2012, a spokesperson for the Financial Services and the Treasury Bureau already stated that the Treasury was actively making preparations for the seven funds with Renminbi (RMB) assets managed and held by the Treasury under its name to apply to the China Securities Regulatory Commission for qualification as a Renminbi Qualified Foreign Institutional Investor for entry into the Mainland for investment in RMB deposits and bonds. Although the progress is not yet known, we believe the Legislative Council will have to study in a more detailed manner whether or not Hong Kong's funds are suitable for entry into the Mainland market in due course.

As time is running out, I will speak on other heads to which amendments have been proposed later in the meeting. Thank you, Deputy Chairman.

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

MR ALBERT CHAN (in Cantonese): Deputy Chairman, I have mentioned earlier the increases in expenditure of a number of important departments and the difference between the increases of these departments and the increases in expenditure of the personal offices of the Chief Secretary and the Financial Secretary. Such difference is surprising and makes people feel enraged and dissatisfied. Deputy Chairman, the increase of these two top officials is as high as 18%.

Deputy Chairman, however, let us look at the Hong Kong Observatory (HKO) again. Why am I so much concerned about its situation? The increase in expenditure of the HKO is less than 1%, which is tantamount to a slash in expenditure. As we know, an observatory is vital to any modern society and especially in the light of certain special cases lately, we are convinced that an observatory is very important in the protection of the life and property of the people. Sometime ago there was a hailstorm and a disaster occurred in a shopping mall and in the MTR station there was a spectacle of a waterfall and

flooding. It can be seen that there is a lack of manpower and specialist resources in weather forecasts and meteorological studies. And once there is any disastrous event in weather, the relevant expenses could be astronomical. Some people query why there are frequent occurrences of rainfall which is as heavy as once in 100 or 200 years? They even ask why is it that when 100 years have not passed, there is another case of rainfall amounting to once in 100 years. There are really too many of such challenges and queries and if there is a lack of manpower in the HKO, it may not be able to handle these questions and challenges from the public. And with respect to the present climate change in Hong Kong, the HKO may not be able to provide accurate information and professional support at the right time, then all sorts of disasters might happen and such examples are too numerous to cite.

We can take a look at the actual situation. If Members can take a look at "Head 168 — Hong Kong Observatory", they will get very worried. The financial provision for the year 2014-2015 is \$222 million and when compared with \$210 million last year, it represents an increase by \$12 million. But against a background of global warming and extreme weather, as I have just said, we will need more resources and manpower to make weather forecasts by the HKO more accurate. I do not know under the present circumstances of the HKO lacking modern technology or support will result in a shortfall in accuracy. Therefore, it is worrying when we look at the overall development.

I would think that the Hong Kong Government and the HKO must pay special attention to two issues. An important task of an observatory is to predict earthquakes, that is, Time Standard and Geophysical Services mentioned in Programme (3). Deputy Chairman, the expenditure in this area is the same as last year and that is, \$11 million. But as we can see, many earthquakes have happened in the world recently. An example is the nuclear incident which happened after an earthquake in Japan. I am sure Members still have a vivid memory of it. The impact of this earthquake on Japan is catastrophic. We should know that Daya Bay is very close to Hong Kong and if any earthquake affects the safety of the nuclear power development there, the impact on the people of Hong Kong can be regarded as extremely fast and catastrophic should there be any discrepancy in forecast or a slight delay in the provision of information. This is because we are talking about a short distance of some 30 km to 40 km from Hong Kong.

With respect to the earthquake issue which is a cause of global concern, we can see that Taiwan has shut down its nuclear power system for the time being because of this fear of earthquakes. We are not having excessive worries or trying to create panic. Right? The Budget is about the future and it is about how funding can be made to upgrade service quality and improve people's living and protect their life and property. So when the Government does not increase any expenditure with respect to earthquakes, and as I have concluded, there is no increase in expenditure. The amount of expenditure is set at \$11 million as last year, and when deducted by inflation, this is actually a reduction. It is really a bad attitude and message.

Another issue is the financial provision for Programme (2) Radiation Monitoring and Assessment. It is \$26.1 million, same as last year. There is no increase. In other words, with respect to earthquakes and radiation which are two issues of great public concern, there is no increase in funding.

Due to the fact that the powers of this Council have been severely castrated, we do not have the power to propose any motion to increase expenditure. Considering the fact that the funding for the Chief Secretary and the Financial Secretary can increase by 18% but the funding for work in earthquakes and radiation monitoring does not see any increase, it can be said to be a reduction when inflation is factored into it. Therefore, with respect to negligence in this regard, I must point out this grave defect in this debate session on the Budget. This is like when we discussed the funding for the Express Rail Link (XRL) some years ago, when I asked Eva CHENG about the agreement of the MTR Corporation Limited (MTRCL). At that time I pointed out that if the MTRCL was to build the XRL, the more money is spent, the more profits the corporation would get. This is because they charge administrative fees. Just what is said in the agreement? At that time I pointed out that if the MTRCL has done anything wrong in supervising the works, in design or in administration, just is there any mechanism in law to claim damages from the MTRCL? It is because the shortfall in money should not be met by public coffers. The question was raised almost four years ago. We will follow this up later on.

About these problems regarding the HKO, we do not want to see our worries become true. However, as we see the sudden changes in weather, my impression is that the right information cannot be provided earlier or more accurately. This is a problem about information, though it may not be a blunder.

I am not saying that all weather problems can be predicted or that a prediction can be made beforehand or within our expected time frame, or that accurate information can be provided to the public. What I wish to emphasize is that we can never rule out a possibility and that is, there can be improvement and enhancement in science and technology, in knowledge, in the system or manpower. And these can result in improvements in radiation monitoring, earthquake surveillance or other sudden weather changes such as hailstorms or heavy downpours of rain, or some sudden local weather changes.

In the 1990s, we already expressed our concern for the problem of wind shear at the airport. At that time, the Government put in a lot of resources to monitor wind shear at the airport and near Chek Lap Kok to ensure that wind velocity and special geographical factors would not affect the safety of the aeroplanes. So we can see that when manpower is injected into a certain area, the knowledge about problems and their effective monitoring can be enhanced. And this will improve safety in turn. Our airport has been operating for so many years and although there have been some accidents and problems, luckily the problem of wind shear that we fear which would have a disastrous effect on flight safety has not occurred. This is certainly related to the input of resources in this aspect. Most members of the public may not know that our studies in wind shear and system set-up in that area are very advanced.

Insofar as the financial provision for the HKO is concerned, if we can allocate more resources ... actually I have some suggestions to make, but as I have said, unfortunately we do not have the power to increase the funding. If funding can be increased, enhancement can be achieved in technology, manpower and equipment. And what may be needed is to set up a new inter-departmental liaison centre. This is because there may not be direct communication between the HKO and such departments as the Transport Department (TD), the Fire Services Department (FSD) and the police. There may even be problems and often only warnings such as black, red and amber signals are issued for rainfall. Recently, a new warning system in air pollution has been introduced. But has there been any improvement in administrative measures such that when problems arise, the relevant departments such as the police, the FSD, the TD and even the Immigration Department can enhance their work in this aspect?

A few weeks ago there was a heavy rainstorm and in the Tsing Ma Bridge, visibility was zero. At that time I drove by the place and I could not see

anything. When the rain hit, the entire windscreen was flush with water. Deputy Chairman, I found out that the problem was so severe there and then. If we could have got hold of the information earlier, that is, when there is strong wind, the lower level of the Tsing Ma Bridge can be opened to the private cars and they do not have to use the bridge surface. If we want to be more efficient in the co-ordination of information or messages, this will certainly entail expenditure on resources.

About these departments of such importance and about expenditure which affects the life and property of the people, the Government is behaving like a miser. The Financial Secretary gives a waiver on government rates to the giant consortia and each one of these consortia can get a waiver amounting to tens of million dollars a year and the total amount of waiver in three years is \$200 million. How generous that is. For those have-not families, they cannot get anything. The situation is like with the government departments. The Secretaries of Departments are given generous provisions and public money is wasted on them. But for those poor departments, especially those like the HKO, a miser approach is taken and expenditure is subject to strict control. This is like negative growth. There is no growth and instead there is negative growth.

In the example I have just cited about zero visibility at the Tsing Ma Bridge, I can actually sense problems in the system, resource allocation and information gathering. I can see that there are numerous grave problems at the Tsing Ma Bridge which I often use when driving. Every time when there is strong wind and pouring rain, the visibility there is very low indeed. So if the relevant information system can be improved, this will reduce the occurrence of accidents and safety can be enhanced. This is indeed a good thing for the people. LEUNG Chun-ying often wastes public money. The Mega Events Fund set up by him is in fact funnelling money into the pockets of the rich and powerful direct. He should use the funding on areas that can really help the people. This is the most important thing to do. This can also prevent the occurrence of incidents like the appearance of a waterfall in a MTR station and the crashing of glass in a shopping mall.

With respect to the financial provision for the HKO, we are strongly dissatisfied and we wish to voice our worries.

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, concerning my proposal to discuss the comments of the Audit Commission on the monitoring of the Auxiliary Medical Service (AMS), some people have sent me short messages questioning why I have to express such lengthy views. Deputy Chairman, you once said that Members of this Council should argue with reasons and so, I cannot put forward only half of my arguments without explaining the other half. As the AMS that I am criticizing is a team set up to serve Hong Kong people, I have to explain in greater detail what they have done wrong and how remedies can be made. In fact, the main problem with the AMS is that their records are incomplete and they have failed to perform the duties expected of them. With regard to the MTR Corporation Limited (MTRCL) ... if we consider it necessary to condemn the MTRCL and straighten out all the problems, then, with regard to the AMS ... Let me reiterate once again that we must not consider the AMS unimportant because the objective of the AMS is to assist in the provision of emergency services during emergency situations. What do emergency services mean? For example, when a marine disaster occurred or when crowds of people assembled and pushed off against each other, resulting in casualties. So, the AMS, being the role model, must not set a bad precedent. What I mean is, apart from performing emergency duties, it also has to provide regular services, so that the AMS will not be maintained for years but put to use for only one day. It has to perform three major duties. First, I think many people may not know that the AMS has to contribute its service to the drug cessation service in Hong Kong by manning methadone clinics, which is a regular service of the AMS. Second, it is the provision of lifeguard service, which I have already discussed, and I will not further spend time discussing it. Third, it is the provision of first aid courses. If the AMS is maintained for years but put to use for only one day without having to perform these regular duties, it would certainly be impossible to monitor its services regularly. That makes sense, because as an emergency situation has not yet arisen, it is certainly impossible to find out how it is going to perform in the event of an emergency. But if it has failed to operate effectively even in performing its regular duties, it would be like a child making a lot of mistakes even in doing homework and it would be impossible to expect the child to succeed in examinations. The problem now is that the AMS is experiencing a tight manpower situation or a shortage of manpower in the manning of methadone clinics.

In all fairness, Deputy Chairman, I understand that in some cases where there are advantages ... The AMS provides training in respect of services under its charge but some people will leave after obtaining the advantages or, more exactly, after obtaining the qualifications. This is beyond control, right? Besides, the utilization of venues is also beyond control. As the manning of methadone clinics will not bring any advantages, what is the problem? The problem is that the AMS must recruit additional manpower and in the course of recruitment, the AMS adopted the approach of "cutting the toes to avoid the worms". According to the Audit Commission, the AMS had lowered the requirement on Supervising Officers. It means that given the shortage of manpower, the AMS had refrained from doing as much as before. Since 2008, the AMS has waived the requirement that members must possess experience of manning methadone clinics before they can be appointed as Supervising Officers, which means that an inexperienced officer can undertake this duty. If we consider this improper, may I ask why the AMS did not make an effort to improve the three major regular services undertaken by it? Right? In this connection, the Audit Commission also pointed out that there are three ways to make improvement. In order to save time — I do not wish to be accused of deliberately causing delays — I only wish to point out that the third suggestion sounds to be problematic. The Audit Commission suggested "taking disciplinary action against members who fail to meet the duty attendance requirement, and documenting the reasons for not taking disciplinary action in justifiable cases." There is still no novelty to speak of, and this is always the case in all issues. When supervision of the methadone clinics is a regular duty of members of the AMS, the management did not take disciplinary action against those members who refuse to undertake this duty in times of a shortage of manpower and worse still, it did not even give any explanation, which is tantamount to encouraging those members to make use of the AMS to meet their personal aim and that is, to leave after obtaining the lifeguard or first aid certificate. They refused to perform the relevant duties in the AMS after obtaining these certificates and likewise, they refused to man methadone clinics. So, Deputy Chairman, from this we can see the root of the entire problem.

Well, this is the problem in respect of manpower. Deputy Chairman, manpower aside, there is also a problem with resources, as manpower and resources are often mentioned together. In respect of resources, we found a problem which is unlikely to be seen in the business community. Let me cite paragraph 4.5 of the Audit Commission's report on the AMS: "Audit noted that

the last review of emergency stores was conducted some 20 years ago in 1992." To put it bluntly, that was the last century. But in all fairness, that was two decades ago, or some 20 years since.

As a saying goes, "effective tools are the prerequisites to success". But now, there are problems with the stock or the management of stores, particularly the management of the stores of medical equipment, right? Let me cite an example concerning medical equipment. Two endotracheal tubes were mentioned, and what are they used for? They are used for keeping a casualty's airways open, but they expired some two years ago. In other words, if I have a problem with my airways today and if they immediately retrieve from the stores those endotracheal tubes, hoping to keep my airways open in order to save me, sorry, I would be finished. In respect of other materials, 12 items had been damaged, including six sets of diagnostic tools. In other words, when the AMS members perform first aid or when they inspect the casualties on arrival at the scene, six sets of their diagnostic tools are already damaged. There are actually illustrative pictures in the report but I am not taking the trouble to display them here today because it is just a waste of time to do so.

Overall speaking, the AMS has structural problems. I would say that there is no monitoring whatsoever by the Government over the AMS. There is not one department or unit responsible for monitoring the AMS. In other words, to whom is the AMS responsible? Nobody. This is why it is necessary for the chamberlain-like Audit Commission to perform the monitoring work. This is also a very weird phenomenon in the administration of Hong Kong as this "imperial inspector" has to be involved all the time. But Deputy Chairman, in the final analysis, the expenditure growth of the Audit Commission is less than that of all the other government departments. The average expenditure growth of government departments is 7.6% this year, whereas that of the Audit Commission is only half of it at around 2%, though it is still higher than that of The Ombudsman. We have raised this problem purely for the sake of political discussion. The AMS is closely linked with Hong Kong people. It is tasked to provide special emergency services and also three types of regular services, including lifeguard services, first aid services and manning of methadone clinics, but they have outrageously committed such grave mistakes. I would like to ask those people in this Chamber who have accused me of filibustering this: "The falling of one leaf heralds the autumn", and since there are so many problems with such a small department which can be monitored easily ... When the Audit

Commission really intends to conduct a value-for-money audit that can keep abreast of the times, does it have sufficient financial resources to do it?

What are we discussing today? We are discussing a Bill which has to be passed annually, a Bill that tells us how the Government manages its finance and the objectives of its fiscal management. In ancient times there were officials whose duty is to remonstrate with the emperor. WEI Zheng was one such official to Emperor Taizong of the Tang Dynasty. He would not be executed for what he said. The Audit Commission and The Ombudsman certainly would not be executed for their comments, as we all know. But the problem is that they actually have nothing to say because they do not have sufficient financial resources to carry out investigations, right? In other words, the Government confers statutory powers on these bodies to investigate the Government on behalf of Hong Kong people but in allocating financial resources to them, the Government is acting like a feudalistic man who thinks that women must not be fed properly or they will become fierce. I cannot agree to this philosophy of fiscal management.

Therefore, Deputy Chairman, I have tried to point out the general situation by citing specific examples and by explaining the specific examples, I wish to reflect the general situation. I hope that Financial Secretary John TSANG will be here in this Chamber listening. I have no idea what kind of a game he is playing. Is he playing the game of "TSANG Clan Association"? A person surnamed TSANG represents all the people whose surname is TSANG. A person surnamed TSANG is allowed to take the place of John TSANG. Chairman TSANG is not in the Chamber. Financial Secretary John TSANG has accused me of bullying him. He said that I obviously know that he would not hit back and I nevertheless went up to him to hurl an object at him. Is he not bullying us now? He certainly knows that we are calling him to come back but he is not coming back. In fact, under the Rules of Procedure, he should be no different from Members, right? He is an official under the accountability system and he should be listening here in this Chamber and yet, he is not in the Chamber. I had called him twice and dragged other people into this, right? I asked him to come back, and in calling him to come back, I had dragged other people into this, and then the pro-government camp was asking me to let them take a meal at ease. Then what did Financial Secretary John TSANG eat just now?

Deputy Chairman, he said "Go away!" the other day and he went further to censure me in his blog. Today, let me say this to him. I am coming to the end

of my speech soon, and do not stop me from speaking. "Go away! It is time to go to work. A poor Member of this Council pitting himself against the Financial Secretary". Let me call him once again and see if the "12 gold plaques" can summon this lazybone back here. I am asking you, Deputy Chairman, to summon the soul of John TSANG back under Rule 17(1) of the Rules of Procedure. Is it Rule 17(3)? Are we not in Committee?

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

(While the summoning bell was ringing, THE CHAIRMAN resumed the Chair)

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

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

MR WONG KWOK-HING (in Cantonese): Chairman, it has almost been three and a half hours from the commencement of the first joint debate at around 12 pm, during which time there have been three headcounts. We all know that the Members who have spoken have remained the same few all the while and the topics of their speeches are none other than those such as the Auxiliary Medical Service, the Audit Commission, and the Hong Kong Observatory, and so on. We have heard those Members speak eloquently. They all sound like they are deeply concerned about the people's interest, and very anxious about the plights of the people and how the Government should improve its administration. We are discussing the 14 heads to which amendments have been proposed. If they genuinely wish to propose any amendments, they should have already done so, but they have not proposed any. Colleagues and all people of Hong Kong, please pass a judgment as regards whether they have spoken truly from their hearts and whether they genuinely care about the people's interest? Please give a fair comment.

Chairman, must these items be brought up for discussion at this stage, during the Budget debate? I have done some computations. As a Member of

the Legislative Council, we have at least 10 different channels to raise our views. If they do really care, they should have brought up those subjects long ago instead of waiting till today to do so. Therefore, there is only one answer to that, which is that everything is done for the purpose of filibustering. What is their purpose in filibustering? They appear to be upholding justice but in fact they are wasting everyone's money. There is this anti-drug announcement of public interest launched by the Government recently ...

(Mr LEUNG Kwok-hung raised his hand in indication)

CHAIRMAN (in Cantonese): Mr WONG, please hold on. Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): What is the relation between his speech and the heads under the first joint debate?

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

MR LEUNG KWOK-HUNG (in Cantonese): Mr WONG Kwok-hing has not proposed any amendment but he has made many criticisms of others' amendments. What is the relation between his speech and those amendments? How are they related to the 14 heads under the first ...

CHAIRMAN (in Cantonese): Mr LEUNG, seven Members have spoken on a number of heads under this joint debate. In this joint debate, I allow Members to respond to the speeches of other Members who have spoken. I was listening to WONG Kwok-hing's speech to ascertain if he was responding to the seven Members who have spoken.

MR LEUNG KWOK-HUNG (in Cantonese): He had better continue then.

CHAIRMAN (in Cantonese): Mr WONG, please continue.

MR WONG KWOK-HING (in Cantonese): Mr LEUNG, "Long Hair", if your arguments can hold water, why should you be worried about WONG Kwok-hing making a few comments here? This is proof that your arguments are not justified, or else why should you have a guilty conscience? Chairman, my speech ...

MR LEUNG KWOK-HUNG (in Cantonese): What guilty conscience? Is that a problem with the energy flow or a problem with the heart?

CHAIRMAN (in Cantonese): Mr LEUNG, please do not interrupt another Member while he is speaking.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I think he offended me. What is a guilty conscience?

CHAIRMAN (in Cantonese): Mr LEUNG, please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): Am I sick? Tell him to withdraw it. What is a guilty conscience? Is that a problem with the energy flow or a problem with the heart?

CHAIRMAN (in Cantonese): Mr LEUNG, do not interrupt another Member while he is speaking. Mr WONG Kwok-hing, please continue.

MR WONG KWOK-HING (in Cantonese): Chairman, let me now respond to the filibustering Members in all calmness. But perhaps it is because I have set the records straight and hit the nail on the head that he flew into a rage. Hong Kong people should wait and see.

Chairman, just now I mentioned an announcement in the public interest produced by the Government recently as part of the anti-drug campaign and there are a few lines which I think are really very good. The message is more or less like this: Is your buddy covering your back? Or is he stabbing you in the back? Do you have die-hard friends? Or would they stand by and watch you die? These lines are really good, and they precisely point to the motive and intention of the filibustering Members.

Chairman, if they wish to put forward views on these heads to which no amendments have been proposed and follow them up in order to improve the people's livelihood, they can do it in several ways. First, after Chief Executive LEUNG Chun-ying presented the Policy Address, the Government would give briefings to and take questions from the 18 panels. They can put forward their views on those occasions, but they did not do so. I attended all the briefings and raised dozens of questions to which the Government and officials of departments have given replies, and results can be achieved. This is the first channel they have not put to good use.

The second major channel is that the Finance Committee has held 20 sessions of special meetings on this year's Budget, which were chaired by Mr NG Leung-sing. I attended all the meetings held on five days. Did they attend all the meetings? Did they raise questions on areas of concern to them on those occasions, like those questions that they have just asked? They did not. These are two major channels for keeping in view the administration of the Government and for monitoring the use of public coffers. They did not effectively utilize these channels and time.

Third, Chairman, we, being Members of the Legislative Council, have powers that we can exercise and channels that we can make use of. I will briefly give an account of 10 channels available to Members but they have used none of these channels. For example, first, we can propose items relating to the areas of concern to us for incorporation into the Agenda for discussion in panels. Did they propose any such item? No. Second, Members can ask questions in panels or committees, but they did not do so; nor did they ask oral questions at meetings of the Legislative Council. Third, if they did not manage to submit oral questions in time, they could ask written questions as the time frame is longer and most of these questions will have the permission of the President. They can then ask officials to reply to their questions but they did not do so.

Fourth, if they consider that these are matters of urgency, they might as well seek approval from the President for asking urgent questions at meetings of

the Legislative Council, but they did not do this either. This is the fourth channel they did not make use of.

Fifth, Members can propose a motion for debate. For example, with regard to the problem concerning the Hong Kong Observatory mentioned earlier, a motion can be proposed for debate, or a motion can be proposed specifically on the Auxiliary Medical Service for debate too and yet, they did not do so.

Sixth, Members can propose the setting up of subcommittees in the relevant panels to follow up specific issues of public concern. For example, about a year ago I proposed a motion on the issues of rent increase in public markets and the hawkker policy in the Panel on Food Safety and Environmental Hygiene. The motion was passed and we had to line up for resources in the House Committee of the Legislative Council. After waiting for a year or so, subcommittees were eventually set up to follow up these issues. Why do I cite this example? The purpose is to show clearly that there are these channels and options available for us to truly make unrelenting efforts to follow up issues of public concern.

Seventh, the Legislative Council Secretariat has a complaints division, through which many cases can be dealt with. This is also a channel that can be used by Members.

Eighth, we can write to government departments and officials direct to put questions to them or to strongly demand a reply from the authorities, and we can even write to the Chief Executive.

Ninth, we can make arrangements for meetings with officials of departments and talk to them face to face. Lastly, we can take follow-up actions in the Public Accounts Committee. In other words, there are at least 10 channels available to us. Why did Members not use them but have to make repetitive speeches on these heads to which no amendments have been proposed? In fact, the Members concerned have already spoken for at least or nearly three times on a certain issue. Chairman, it means that we have spent 45 minutes, which is a very long time.

Chairman, there is a slogan in front of me which reads: A day of filibustering is a waste of \$2.55 million of public money. Filibustering has a social cost. In the remaining several minutes of my speaking time, I will not talk about how this filibuster will delay the Bills which should be dealt with by

this Council before the recess in July and how it will delay the 27 items which should be dealt with before the recess in July, let alone the investigation into the Express Rail Link incident. I only wish to give Members some idea about this waste of \$2.55 million. Chairman, this \$2.55 million wasted equals to 164 516 cans of luncheon meat; and it equals to 128 140 cans of fried dace with black beans. Why do I make the calculation in terms of luncheon meat and fried dace with black beans? Because food banks often hand out these kinds of canned food to help families in difficulties and the low-income households. Please ask your conscience this: The public money that you are flushing down the drain now should otherwise suffice for helping some 100 000 people; now that the canned luncheon meat and canned fried dace with black beans of some 100 000 families are wasted ...

(Mr WONG Yuk-man yelled in his seat)

CHAIRMAN (in Cantonese): When Members are speaking, other Members should not be yelling in their seats. If any Member violates the Rules of Procedure, I will have to enforce the relevant provisions. Will Members please follow the Rules of Procedure. Mr WONG Kwok-hing, please continue.

MR WONG KWOK-HING (in Cantonese): Chairman, I am not afraid of being fixed, nor am I afraid of being threatened. I have seen enough of these.

Chairman, please look at this picture. If we take the amount of "fruit grant" received by elderly persons as \$1,180, this \$2.55 million can help 2 161 elderly persons. Let us look at the fourth chart. Now the Government says that the annual voucher amount of the Elderly Health Care Voucher is to be increased to \$2,000. But this proposal is hindered by these Members from implementation. If the voucher amount is taken to be \$2,000, the \$2.55 million will be equal to the total amount of the vouchers used by 1 275 elderly persons. Would all members of the public think our public money is being wasted? Do you think that this filibuster is right? We are now being threatened and we are coerced by these Members who filibuster. Chairman, the fifth chart. We can see this group of patients, elderly persons and women ...

(Mr WONG Yuk-man again yelled in his seat)

CHAIRMAN (in Cantonese): Mr WONG Yuk-man, I now warn you for the last time. If you yell again in your seat, I will have to order you to leave the Chamber immediately.

MR WONG KWOK-HING (in Cantonese): Chairman, I hope that his behaviour will make you feel enraged and therefore expel him from the Chamber. Then there will be fewer amendments proposed. But I believe he is smart and he will not do anything to force you to expel him.

Chairman, the fee for a consultation at an out-patient clinic is \$45 and the \$2.55 million is equal to the consultation fee for 56 666 patients. Such a large sum of public money is wasted. Now what should we do? We cannot stop this draining of public money. It is being wasted. What should we do?

Chairman, let us look at the fourth picture. It is about the wage earners of Hong Kong. The transport subsidy provided by the Government to encourage people to seek employment is \$600 per person. And the \$2.55 million is equal to the transport subsidy receivable by 4 520 wage earners. Chairman, why do I have to cite these examples one by one? I still have a lot of other examples. Of course, I will not do anything to help their filibuster. I will only use my speaking time which is 15 minutes. I am sure every person will see the truth. I do not have to repeat so many times, for once is enough.

Chairman, last year we were forced to endure filibustering for 15 days and a total sum of \$38.25 million was wasted. I am repeating this figure again. What do Members think of it? If our view is accepted by the Government, this is equivalent to subsidizing the tram company in offering a \$2 concessionary fare to the elderly all the year round. The sum means all the elderly persons of Hong Kong can enjoy free tram rides for three years. This is because only \$1 million is needed to subsidize the elderly for one month. And \$12 million is required for one year. The \$38.25 million wasted last year can enable the elderly persons to enjoy free tram rides for more than three years.

Chairman, you asked me earlier when I would propose that the filibuster should be cut off. I propose that it should be done now. Chairman, this is the second time in this meeting that I urge you to cut off the filibuster. On these heads which number more than 10 and to which no amendments have been proposed, if Members still speak in this way and filibuster, I think as the

Chairman you should use your power and put an end to the debate and proceed to the voting direct. Chairman, this pair of scissors made of solid gold is a symbol of your decision to cut off the filibuster and it is sensible, reasonable and lawful. You have done your best ... (*The buzzer sounded*) ...

MR WONG YUK-MAN (in Cantonese): Chairman, I now speak in the first joint debate. It is a novelty, for you have divided the amendments into five groups for debate. It can really be said to be comparable to the Policy Address. Actually, you have many new ideas. However, I feel sympathy for you because you are under tremendous pressure and you have to ponder over the question of when the filibuster should be cut off. I do not think you will dare cut off the filibuster at this moment. I do not think you dare to do so.

All Members may speak during this part of the debate. Mr WONG Kwok-hing is a good example. But those Members who sit on this side look like having been doped to be dumbfounded. At least he can speak loudly for 15 minutes. But why do you people not utter a word? If he can speak, then why should you not? On the batch of heads starting from head 23 and which will stand part of the Schedule, can they not be discussed? If they cannot, why are they placed into this procedure? Just what kind of Members are you people? What is the meaning of their inclusion? If they cannot stand part of the Schedule, how can we proceed onto the next procedure? So why do you people not speak? Why do you not speak and why do you call people who speak engaging in filibuster and speaking repeatedly is called filibustering?

Now the number of heads that should stand part of the Schedule is plenty and those are about the Auxiliary Medical Service, Audit Commission, Census and Statistics Department, Civil Aid Service, Government Laboratory, Miscellaneous Services, Office of the Ombudsman, pensions, Registration and Electoral Office, Government Flying Service, Hong Kong Observatory, Trade and Industry Department, and also moneys transferred to various funds and the Treasury, and so on. Why can we not speak on them? Are we supposed not to discuss any of them, or are we not prepared to discuss them? Then why should we be Members of this Council? We might as well go home and sleep. Chairman, I request a headcount.

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

(When the summoning bell was being rung, Mr LEUNG Kwok-hung yelled in his seat)

CHAIRMAN (in Cantonese): Mr LEUNG, even though the summoning bell is ringing, this is still the Chamber.

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

CHAIRMAN (in Cantonese): Mr WONG Yuk-man, please continue.

MR WONG YUK-MAN (in Cantonese): Chairman, the powers of Legislative Council Members are stipulated clearly in Article 73 of the Basic Law and one can summarize them into several categories: The first is the power of legislation but often, Members only cast votes in favour of or against the Bills proposed by the Government, or abstain on them. If Members want to propose private Bills, they are subjected to the constraints of the Basic Law. Moreover, such Bills have to undergo separate voting, so this power of legislation has become nominal in nature.

What Article 73(1) of the Basic Law refers to is the power of scrutinizing Budgets, that is, to examine and approve Budgets. Therefore, this is a very important power of Legislative Council Members, particularly for the legislature nowadays, that is, this legislature of ours. Of course, we still have the power of approval. We do not have the power of approval in respect of the appointment and removal of officials, but with regard to the appointment and removal of Judges, we can exercise this power of endorsement.

Apart from the powers of enacting legislation, examining Budgets and endorsing appointments, we also have the power of questioning, that is, we can query the Government's administration and the Government cannot dismiss Members as being nagging, long-winded or frivolous because this is an incumbent duty of Legislative Council Members. In addition, there is also the

power of impeachment. I cannot impeach you but I can impeach the Chief Executive and this is very clear. As the Speaker, why did you say that we cannot discuss those 14 heads that should stand part of the Schedule? Why cannot they be discussed repeatedly? This is very simple. On the basis of the several Members who have spoken repeatedly earlier, if they speak on each head for 15 minutes, a considerable amount of time will be needed. Do you not expect Members to speak? Why is doing so called filibustering?

If it is anticipated that each of the 70 Members would speak once on each head and perform their duty duly by speaking for 15 minutes, without filibustering or making repetitive comments, and if you calculate this for me, how much time is needed if 14 heads is multiplied by 14 minutes and by 69 people? How much public funds will be wasted? Mr WONG Kwok-hing, you are just as stupid as one can describe you and as much an idiot as one can describe you. How much public funds will be wasted in this way? Theoretically, is doing so allowed?

Our Honourable Chairman, of these 70 Members, 69 of them except you can all choose to speak or not to speak. If Members choose not to speak, we still have to respect them. At the most, they have to take criticisms from others, saying that they should not receive their pay amounting to \$87,000, right? However, concerning Members who speak, why do you say that they are filibustering? You said that based on your judgment, this is called filibustering, so you allowed the display a pair of "golden scissors" ready. This is evidently a lie. Is this a pair of "golden scissors"? Is it made of gold?

Let me tell you, once I started to speak, it will be a big deal. Initially, I was just watching the meeting in my office upstairs, thinking that I would just let Members discuss slowly. On this 14 heads, I will not speak on all of them. Do not say that I am filibustering. I have made preparations, buddy. I will talk about The Ombudsman, the Audit Commission and the Government Flying Service. I have only chosen several items on which I will speak. What is this talk of filibustering?

I believe these 14 heads should stand part of the Schedule. I agree with most of the heads but I wish to voice my views on some of them, so why is this not allowed? Why am I regarded as wasting public funds, wasting such and such a number of hours and more than \$2 million? What kind of idea is this? Now, the delay in the Express Rail Link project may cost us an additional tens of billion dollars, so are they not also public funds? What kind of idea is this?

Mr WONG Kwok-hing can use this to make a comparison. That old lady said you had come out from the "西門" (literally, west gate, two characters used to form a taboo character referring to the female reproductive organ in Cantonese), so is your status higher? We all came from the "west gates", so why do you not help those old ladies? They want to see the introduction of universal retirement protection because while you were born by your parents, were other people not also born by their parents? You are really talking gibberish. If he can speak, if you could let him speak for 15 minutes and criticize those so-called "filibustering" Members, you also have to give me 15 minutes to respond to him.

Legislative Council Members have the powers of examining Budgets, enacting legislation, endorsing appointments, questioning and impeachment, so they have these five types of power that you may not have known had I not talked about them. Mr WONG Kwok-hing, you just parrot others. I know the power of enacting legislation like the palm of my hand. In particular, our legislative power are subjected to constraints, so at present, we can only fulfil the duties of being a representative of the public by manoeuvring in the gaps and cracks. What problem is there with doing so? Even if we filibuster, and the so-called filibustering is just meant to extend the meeting time, so that Members can have some better understanding of the matters under discussion and even exert pressure on the Government, and this is a common practice throughout the world, allowed by the Rules of Procedure. Buddy, you also deleted more than 900 amendments proposed by Mr LEUNG Kwok-hung, did you not? You deleted them by exercising your power. In fact, whether or not you have such a power is open to debate. Today, *The Sun* has published an article written by me and you can read it. It criticizes you. The subject matter is very simple, that is, it says that you reduced ...

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

MR WONG YUK-MAN (in Cantonese): ... you reduced the number of amendments that can be proposed to the Budget, so this is practically an abuse of power. Let me tell you that you have acted *ultra vires*. I have the right to speak and now, as the Chairman, you cannot debate with me other than telling me to speak to the question.

CHAIRMAN (in Cantonese): Mr WONG, you cannot debate my ruling in the Chamber.

MR WONG YUK-MAN (in Cantonese): Chairman, you can tell me to speak to the question. I will speak to the question now.

CHAIRMAN (in Cantonese): You must not stray away from the question again, or I will stop you from speaking.

MR WONG YUK-MAN (in Cantonese): Why stop me from speaking? Have I offended you? Is it because I have offended you that you want to stop me from speaking, or is it because I have digressed?

CHAIRMAN (in Cantonese): Mr WONG, speak to the question immediately.

MR WONG YUK-MAN (in Cantonese): Does that mean I cannot talk about the Chairman deleting Mr LEUNG Kwok-hung's amendments? Ok, I will not talk about this anymore because I do not want to lose a big deal for the sake of a little. That is why it is sometimes very miserable to be a human being as one has to succumb in order to survive. Anyway, as a Legislative Council Member, there are 69 Members in the Chamber. Except the Chairman, who has to chair the meeting ... how possibly can anyone expect no one to speak on those heads, that is, the 14 heads covered by the first joint debate? Why were Members who spoke given a scolding? Explain it to me. Why were those 14 heads assigned to the first joint debate for Members to comment on them? Theoretically, all Members have to speak.

Chairman, a quorum is lacking in the Chamber.

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

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

CHAIRMAN (in Cantonese): Mr WONG Yuk-man, please continue.

MR WONG YUK-MAN (in Cantonese): Chairman, if they had come back earlier, time would not have been wasted. This is a remark you often make. Please exert your influence.

Regarding the first joint debate on the 14 heads to which no amendments have been proposed ... Mr WONG Kwok-hing has left the Chamber again. He often criticizes us for wasting time. Excuse me. Please allow me to spend some time responding to his remark. He pointed out that \$2.55 million in public money had been wasted. But I would like to tell him that here are 69 Members who may speak on the 14 heads covered by the first joint debate. If each Member speaks for 15 minutes on each head, it will take almost 1 000 minutes. If it is multiplied by 14 heads, the total will be 14 000 minutes. Divided by 60 minutes, how many hours will there be in total? Chairman, it is very clear and theoretically possible, is it not? However, according to past practice, if no amendments are proposed to these heads, there will be no room for debate and relatively fewer Members will speak on them. But this does not mean that no one can speak on them. We must clarify this point.

He claims that he will tell all the people in Hong Kong. But I believe people watching our meeting in front of the television will listen to me rather than him because what I say is very logical and reasonable instead of simply trying to speak louder than him. They cannot deceive the public with a straw argument. We can all see that they just sit here without holding a meeting. Why do they sit here without speaking? When a meeting is held, those present should speak. When three persons or more study logic and resolve problems in accordance with certain rules, this is called a "meeting". Is this correct, Chairman? When there is one person, he can talk to himself; when there are two persons, they can have dialogue; when three persons study logic and resolve problems in accordance with certain rules, this is called a meeting. There are 69 Members here. How can they refrain from speaking as if they were muted? Yet they do not allow others to speak and accuse those who speak of filibustering.

How can this be called filibustering? I have explained that I have chosen to speak on three of these 14 heads. Therefore, please do not try to confuse people. The objects displayed here are approved by you. Never mind. I am a

rather lenient person. I need not bother you to comment that I am filibustering. That is why I tolerate Ms Starry LEE for displaying these objects. Never mind. She is our future star who will soon become the chairman of the DAB, or even the Chief Executive. So just let her display these ...

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

MR WONG YUK-MAN (in Cantonese): Alright. Then I now come back to the question as there are still a few minutes left. However, Chairman, once again it seems a quorum is not present. I request a headcount.

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

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

CHAIRMAN (in Cantonese): Mr WONG Yuk-man, please continue.

MR WONG YUK-MAN (in Cantonese): Mr WONG Kwok-hing, you had better not leave the Chamber. If you do so, I will have to request a headcount again. Do not forget that I sat here and listened to your speech when you spoke. Let me tell you. If each Member gives a 15-minute speech on each of these 14 heads, a large sum of public money will have to be wasted as when 15 minutes is multiplied by 69, the total will exceed 10 000 minutes, Chairman.

Let me get to the point and begin with the first of these 14 heads, that is, "Head 114 — Office of the Ombudsman". Furthermore, I will also speak on the Audit Commission because these two organizations are responsible for ensuring clean government and preventing corruption in politics. Not only is the Hong Kong Government not elected, but the Chief Executive is also not elected by universal suffrage on a "one person, one vote" basis. Even the legislature has

only half of its seats returned by geographical constituency elections of "one person, one vote". Hence, the Government is conferred with supreme executive power, or absolute authority, by the Basic Law — like the power enjoyed by you, Chairman, in the Legislative Council — executive-led administration is actually the same as executive hegemony.

Given that executive hegemony was not restrained and the legislature had extremely weak monitoring power, the British in the British Hong Kong era conceived a mechanism for ensuring clean government and preventing corruption in politics. Under this mechanism, there were three major systems, namely the Office of The Ombudsman, the Audit Commission and the Independent Commission Against Corruption (ICAC), though its gold-lacquered brand was nearly destroyed by one of its Commissioners in recent years, and remedial actions are now required. These three systems basically serve to ensure clean government and prevent corruption in politics to make up for the drawbacks of the Government which is characterized by the lame legislative power and the failure of monitoring executive hegemony. This is why we have proposed no amendments to this head. Neither will we object to the sum for this head standing part of the Schedule. Instead, we will render our support to it.

Why have we not proposed any amendment to cut the relevant expenditure? The reason is that some departments have not only ... for instance, the Audit Commission should have its expenditure increased, and so should the Office of The Ombudsman. I even think that the Office of The Ombudsman has not been doing well enough. Given its investigation power, the Office of The Ombudsman should be able to rectify maladministration on the part of government departments. Hence, it should also have a role to play in monitoring the Government. Sometimes, the Office of The Ombudsman can do even better than the Legislative Council in performing this role because, institutionally speaking, the Office of The Ombudsman has investigation power. With respect to bureaucratic behaviour — some bad habits are gradually emerging now — The Ombudsman should play the role of a watchdog on the Government to ensure that administrative justice will not be influenced by bureaucratic behaviour. Besides monitoring the provision of faster services by public organizations, the Office of The Ombudsman should also prevent abuse of power by them.

Let me cite an example. Recently, Members should have seen on the Internet how an elderly person aged between 80 and 90 was humiliated by a

female staff of the Food and Environmental Hygiene Department (FEHD). Though she claimed that she was exercising her power, we think that she was abusing her power. Actually, a complaint can be lodged with the Office of The Ombudsman about this incident. As for me, I chose to write a letter to request the FEHD to follow up this matter. Now, this has caused a public outcry. Members should not take the views expressed on the Internet lightly, thinking that people expressing their views are merely netizens. Are they not human beings? Views expressed on the Internet will gradually become mainstream opinions. If Members have paid attention, they would have found that the impetuous young man from the Liberal Party was attacked by netizens on the Internet for what he did in the Legislative Council yesterday, and this incident would then be published in newspapers. Hence, Members should not pretend that netizens are not human beings. Not only are they human beings, they are also members of the public. This is why many government departments have their own webpages nowadays. The reason is very simple. Hence, the Office of The Ombudsman has to prevent (*the buzzer sounded*) ... I shall talk about it next time.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, speaking for the fourth time.

MR LEUNG KWOK-HUNG (in Cantonese): President, even if this is the tenth time, you have to let me speak. How can you allow WONG Kwok-hing to attack us? There is nothing wrong with the world, only the ignorant make a fuss over nothing. We lashed out at the Government, but he instead lashed out at me.

President, what is meant by "Know not the anguish of losing one's country, girls sing A Song of Palace Garden Flowers over the river"? He is the typical example. If we describe the Legislative Council as the country, it would mean that it is doomed to fail. Just now, Mr WONG Yuk-man mentioned "five powers" in his speech, and the only power that we take pride in is the power of examination. With this power, this Council can examine the Budget prepared by the Government, but this Council is silent on it. As for other powers, not even one of the 10 outstanding issues has been genuinely dealt with by the Government. There was all talk but no action. The commonsense of WONG Kwok-hing is so poor that he is second to none. He asked why Members would speak on the procedure of having certain heads stand part of the Schedule.

President, I used to have a dog when I lived in the squatter area. One day, I dropped a bowl of rice on the floor. Since the rice had become soiled, so I did not eat it. Neither did the dog, which then jumped to a heap of shit and start eating it. This is what the idiom "a dog cannot stop itself from eating shit" means. To put it somewhat politely, it means "after a long while in the fish market, one no longer smells the stench". During the Hong Kong-British era, the former Legislative Council was seen by the then-Governor as a consultative body on political matters and closed meetings could be conducted. Today, after being elected to this Council by members of the public, he has forgotten his deliberative function. Does the deliberation of other Members have anything to do with him? Has he been fed on shit for too long that he has now lost any interest in rice? This is precisely an illustration of the idiom of "a dog cannot stop itself from eating shit". I do not hold any grudge against him, and the FTU has vowed to fight for a universal retirement protection system. As I said last time, Mr TAM Yiu-chung had also vowed to fight for the system before he became an "aristocrat of workers" and a bigwig. As they did not have any vote at that time and were unable to be elected as Legislative Council Members, they relied solely on the support of workers. But what have they done now? Some 30 years have passed, how can he return good for evil as a Member from the FTU?

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

MR LEUNG KWOK-HUNG (in Cantonese): How? His speech has gone even farther than mine. To put it simply, being a member of the FTU, how did he evaluate the behaviour of other Members? He said what we have done are useless, but even the Hong Kong-Canton Strike and the seamen's strike might not bear fruit before they actually took place. Both the 1967 riot and the resistance against the violence of the British did not bear any fruit. Following his logic, is there any strike that bears fruit before it has actually started? In other words, the FTU has been pressurizing the Government to carry out reforms so that this brazen body can realize its dream. Even if he disagrees, he should not open friendly fire and shoot me twice behind my back. There is no need to shoot a hole through my body to see what is in front of me. And yet, neither the Government nor the bourgeoisie dares to chide him. What kind of a man is he?

Again, you may say that I am rude. So, let me cite an example. In the *Dream of the Red Chamber*, there is a character of a servant with the name of JIA Gui, who dares not sit though he is told to, simply because he is not used to sitting.

Our deliberation in this Council can be regarded as "filibustering" or not "filibustering". It all depends on your ruling, am I right? Should I teach you how to work? Has he been promoted to the rank of secretary of prefectural party committee in Hong Kong? Is he commanding you? Is he sick?

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

MR LEUNG KWOK-HUNG (in Cantonese): Buddy, I have not digressed. I have tried to control my temper for a long time despite his attack on me. I will keep on speaking, but Members from the royalist camp should blame WONG Kwok-hing, not me. He should be blamed for all these troubles. I want him back here to listen to my speech.

Chairman, pursuant to Rule 17(3) of the Rules of Procedure, I request a headcount.

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

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I report that Mr WONG Kwok-hing is having tea in the Ante-Chamber.

CHAIRMAN (in Cantonese): Mr LEUNG, do not shout at will in the Chamber.

(After the summoning bell had rung for 15 minutes)

MR LEUNG KWOK-HUNG (in Cantonese): I report that he has taken 15 minutes to have tea with milk. The summoning bell has rung for 15 minutes.

CHAIRMAN (in Cantonese): Will the Clerk please take a headcount to determine if a quorum is present.

(The Clerk found after the headcount that a quorum was not present)

CHAIRMAN (in Cantonese): As a quorum is not present in the Chamber after the summoning bell has rung for 15 minutes, Council now resumes.

Council then resumed.

NEXT MEETING

PRESIDENT (in Cantonese): As a quorum is not present, the meeting is adjourned.

Adjourned accordingly at Four o'clock.