

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 21 May 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 JAMES TO KUN-SUN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.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 JEFFREY LAM KIN-FUNG, G.B.S., J.P.

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

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

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

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN, J.P.

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

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.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

DR THE HONOURABLE KENNETH CHAN KA-LOK

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

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

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

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

THE HONOURABLE TANG KA-PIU

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

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

THE HONOURABLE CHUNG KWOK-PAN

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

THE HONOURABLE TONY TSE WAI-CHUEN

MEMBERS ABSENT:

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE LEUNG KA-LAU

PUBLIC OFFICERS ATTENDING:

PROF THE HONOURABLE K C CHAN, G.B.S., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE LAI TUNG-KWOK, S.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

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

MS CHRISTINE LOH KUNG-WAI, J.P.
UNDER SECRETARY FOR THE ENVIRONMENT

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

CLERKS IN ATTENDANCE:

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

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

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

(While the summoning bell was ringing, Mr LEUNG Kwok-hung spoke aloud)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please do not speak aloud after you have entered the Chamber.

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

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Telecommunications (Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1.9-2.2 GHz Band) Regulation	58/2014
Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2014	59/2014
Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) (Amendment) Regulation 2014.....	60/2014
Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) Order 2014.....	61/2014

Other Papers

- No. 102 — The 25th Report on the Work of the Advisory Committee on Post-service Employment of Civil Servants (1 January - 31 December 2013)

No. 103 — Report of changes made to the approved Estimates of Expenditure during the fourth quarter of 2013-14
Public Finance Ordinance: Section 8

Report of the Bills Committee on Dutiable Commodities (Amendment)
Bill 2014

WRITTEN ANSWERS TO QUESTIONS

Assisting Direct Subsidy Schools in Acquiring Permanent School Premises

1. **DR KENNETH CHAN** (in Chinese): *President, it has been reported that St. Margaret's Girls' College, Hong Kong (SMGCHK) on Caine Road, Central has decided to cease operation gradually from September this year as it cannot afford the drastic increase in the rental of its school premises. It has stopped admitting Secondary One (S1) students and is discussing the relevant arrangements with the Education Bureau. In the new school year, the school will be relocated to its temporary school premises in Sha Tin and will continue to operate until all its existing students have graduated. There are comments that this incident reveals that direct subsidy schools (DSSs) which need to rent private premises as their school premises are susceptible to relocation or closure at any time as a result of rental problems. In this connection, will the Government inform this Council:*

- (1) *whether it knows the current number of DSSs operating in leased school premises, and set out by name of the school concerned the lease periods, the rental levels and the names of the landlords of the school premises;*
- (2) *when Education Bureau received notification from the aforesaid school of its planned closure, as well as details of the follow-up work carried out and the specific arrangements made; whether Education Bureau requested the school to consult the students and parents on its decision on closure; if it did, of the details; if not, the reasons for that;*

- (3) *whether it has assessed how the closure of the aforesaid school will affect the supply of secondary school places in the Central and Western District, and whether the female students in the district who are progressing to S1 will need to attend schools in other districts as a result; if it has assessed and the outcome is in the affirmative, of the details and whether the Government will take measures to assist the female students in the district who are progressing to S1 in being admitted to schools in the same district; and*
- (4) *whether it will consider afresh assisting the aforesaid school immediately in searching for permanent school premises, so that the school can continue to operate, thereby addressing the aspirations of the parents and students; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (1) Other than SMGCHK, there is another school under Direct Subsidy Scheme which is currently operating in leased school premises. The Education Bureau considers it not appropriate to disclose the relevant tenancy information without prior approval of the landlord and the school involved.
- (2) The Education Bureau received a letter from SMGCHK on 26 October 2012, informing us of its intention to phase out operation from September 2014. The Bureau subsequently contacted SMGCHK to learn about its needs and its views on using a vacant school premises on a temporary basis, and reminded the school repeatedly to widely consult stakeholders (including parents and students) and duly address their concerns. In late August 2013, SMGCHK applied to the Education Bureau for the temporary use of a vacant school premises in Sha Tin from September 2014 to August 2019. SMGCHK has stated that it will not enrol S1 students during the period and ensure the provision of a broad curriculum to its students as well as arrangement of school bus service for students residing on the Hong Kong island.

- (3) According to the student survey, secondary day schools in the Central and Western District have an intake of about 11 580 students and provide about 12 330 places (excluding those of SMGCHK) in the 2013-2014 school year. The projected school-age population aged 12 to 17 residing in the Central and Western District for the 2014-2015 to 2018-2019 school years is between 10 700 and 9 200. It is anticipated that the supply of school places should be able to meet the demand. It is noteworthy that parents have been arranging cross-district schooling for their children out of different considerations. The respective Regional Education Office of the Education Bureau will provide individual parents with information on school vacancies upon request. As requested, the Education Bureau has approved SMGCHK to use a vacant school premises in Sha Tin on a time-limited basis from September 2014 to August 2019 to enable its existing students to complete their secondary education smoothly during the phasing-out period.
- (4) Land is a valuable resource. School premises have all along been allocated in an open and objective manner based on the relative merits of the applicants and their proposed school plans. Should SMGCHK like to identify a permanent campus sponsored by the Government to continue its operation, it could apply for a suitable premises through the School Allocation Exercise (SAE). Under the established mechanism, if any school site/vacant school premises is identified to be suitable for allocation for school use, the Education Bureau will normally announce it on its website or via press release to invite eligible school sponsoring bodies in the territory to apply. SMGCHK may then submit an application to Education Bureau through the SAE.

Monuments and Antiques Unearthed at Railway Construction Sites

2. **MR CHAN HAK-KAN** (in Chinese): *President, earlier on, archaeologists have unearthed monuments and antiques, including ancient wells, ceramic shards, coins and stone structures of the Song and Yuan Dynasties, at the construction sites of the MTR Shatin to Central Link (SCL) in To Kwa Wan, and the related works have been affected as a result. In this connection, will the Government inform this Council:*

- (1) *whether it has assessed the prospects of unearthing new monuments and antiques at the SCL construction sites; if the assessment outcome indicates that the prospects are low, whether it has assessed if the SCL construction works can be completed on schedule; if the assessment outcome indicates that the works cannot be completed on schedule, for how long the completion date of the project will be postponed;*
- (2) *whether it knows the details of the monuments and antiques which have been destroyed at or removed from the SCL construction sites;*
- (3) *of the preservation proposal for the aforesaid ancient wells and the measures in place to ensure that the monuments and antiques unearthed at the SCL construction sites will not be destroyed further;*
- (4) *whether it knows if in-situ preservation of the aforesaid ancient wells will have any impact on the SCL railway alignments; if there will be impacts, whether the travelling time of that railway line will increase as a result; and*
- (5) *whether the Antiquities and Monuments Office (AMO) or the MTR Corporation Limited (MTRCL) is responsible for co-ordinating the surveys of the aforesaid ancient wells; which of these two institutions assumes a leadership role in handling the relevant matters and whether a mechanism is in place to co-ordinate their work?*

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

- (1) The archaeological survey-cum-excavation carried out at the designated area of To Kwa Wan Station for the Environmental Impact Assessment Report (EIA Report) of the SCL (Tai Wai to Hung Hom Section) was completed at the end of last year. But given the possible discovery of archaeological relics at the work sites outside the designated area, the AMO has requested an archaeologist to carry out archaeological monitoring work in the vicinity of the

designated area in stages to collect further information for study and analysis in order to conduct a more concrete evaluation of the condition and historical value of the archaeological relics. The AMO will consult the Antiquities Advisory Board (AAB) on the feasible conservation options.

According to the Transport and Housing Bureau, the MTRCL is fully co-operative in meeting the requests and recommendations of the AMO and the archaeologist for carrying out the relevant archaeological work. To ensure that the archaeological works will not be affected by the construction works of the To Kwa Wan Station of the SCL project, the MTRCL has suspended the construction works within the archaeological watching brief area. As a result, the sequence of some construction works have to be adjusted accordingly and the progress of the construction works have already been affected. As the archaeological watching brief is still ongoing, the extent to which the works progress would be affected cannot be determined at the present stage.

(2) and (3)

There are three areas for archaeological work within the works site of the SCL's To Kwa Wan Station in the Sacred Hill area. Since the stone well of the Song Dynasty unearthed at the first area in the east (the first stone well) has significant heritage value, the Government has decided to preserve it *in-situ*. Other major discoveries, including scattered ceramic shards and coins, as well as the remnants of archaeological features of the Song to Yuan Dynasties and modern period, have all been retrieved so that further excavation of archaeological remains underneath could proceed. Excavation at this area has reached the sterile layer at 2.3 m to 4.8 m below ground, and the archaeological work has been completed.

As regards the second area of archaeological work in the west of the To Kwa Wan Station, the only area where archaeological work has yet to be completed is the T1 Area in the southwest corner with an area of about 400 sq m. Archaeological excavation outside the

T1 Area has reached the sterile layer at 2.6 m to 4.5 m below ground and has been completed. In mid-March this year, another stone well of the Song Dynasty (the second stone well) and remnants of other stone structures were identified in the T1 Area, but this stone well is not as intact as the one unearthed earlier. At the present stage, measures have already been taken to preserve the stone well together with the remnants of other stone structures.

With the exception of the T1 Area of the second archaeological work area, the archaeological work is mainly focused on the third area, that is, the area between the two archaeological work areas in the east and the west, as well as the areas to the west and southwest of the T1 Area. Since the relevant work has not been completed, we have not yet fully grasped the overall condition and extent of the remnants of human settlements dating back to the Song-Yuan period there. We, however, believe that when archaeological work is completed in the third quarter of this year, we can gather more data of the archaeological site for further study and analysis, so as to draw a more comprehensive and concrete conclusion regarding the extent and condition of the archaeological remains as well as their overall heritage value, and to formulate appropriate conservation proposals and measures. By then, we will consult the AAB before a more comprehensive and concrete conclusion is drawn. At this stage, I have instructed the AMO to provide monthly reports to me and the AAB on the progress of the archaeological excavation-cum-survey at the site in accordance with the existing notification mechanism, and to increase the frequency of reporting as and when necessary.

The site and the relics unearthed have been properly preserved under the supervision of the AMO. For areas where archaeological work has not yet been completed, except for work processes that are required for the archaeological excavation, all MTRCL works have been suspended to ensure that the relics exposed will be properly protected. The MTRCL will suspend all works within the existing archaeological work areas until the archaeological work is completed.

When considering the conservation proposals or recommendations regarding the relics unearthed or the sites of discovery, the Administration will take into full account all the relevant factors, consult the AAB and consider the advice of the AMO. From the discovery of the first stone well to the discussion of its *in-situ* preservation proposal, all the government departments concerned have made concerted efforts to look for a win-win solution to the dual challenges of urban development and heritage conservation. In future, even for works projects that are interrelated, large-scale and complicated, the Government will make reference to previous practices and strive to conserve heritage while completing the projects according to the schedule.

- (4) According to the Transport and Housing Bureau, the second stone well in the T1 Area is located within the boundary of the To Kwa Wan Station but away from the alignment of the SCL tunnel. Preliminary assessment indicates that the stone well will not affect the SCL alignment. However, if it is to preserve the well *in-situ*, there is a need to revise the design of To Kwa Wan Station and modify the originally planned construction method. As for the extent to which the archaeological work will affect To Kwa Wan Station and the construction of the railway tunnel, a more comprehensive assessment can only be made having regard to the progress of the archaeological work and the final arrangements for the relics discovered.
- (5) The EIA Report of the SCL (Tai Wai — Hung Hom Section) mentioned that an archaeological survey conducted in 2010 in the Sacred Hill Area had revealed that the MTRCL works site has certain archaeological potential. As such, it recommended that the MTRCL should commission an archaeological survey-cum-excavation for the Sacred Hill Area before the commencement of their construction works.

In accordance with the Antiquities and Monuments Ordinance, the archaeologist commissioned by the MTRCL submitted a licence application to the AMO under the Antiquities Authority. The application set out the practical arrangements of an archaeological watching brief (including its scope and methodology and the

requirement to report any discovery to the AMO). After consideration by the AMO and with the support of AAB, the Antiquities Authority (that is, Secretary for Development) issued the licence to the applicant.

The AMO has closely monitored the archaeological work, including offering relevant advice, participating in discussions, conducting site visits, and regularly reporting the progress to the AAB. If there is significant archaeological findings, the archaeologist would immediately report them to the AMO. Where necessary, the AMO would invite other experts to provide advice on the findings. Such practice is in line with the principles of archaeology.

Handling of Delay in Completion of Project to Construct Express Rail Link

3. **DR LAM TAI-FAI** (in Chinese): *President, on 15 April this year, the MTR Corporation Limited (MTRCL) announced the newly revised works schedule of the project to construct the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), a project with an estimated expenditure of \$66.8 billion, stating that the commissioning date had to be postponed from 2015 to 2017. The MTRCL explained that the causes for the delay of the XRL project included the inclement weather and difficult geological conditions. It has been reported that the West Kowloon Cultural District (WKCD) project, which is adjacent to the West Kowloon Terminus of XRL, has also been affected and the construction works of some of the facilities will be delayed. The Board of Directors of the MTRCL announced on 29 April that an Independent Board Committee would be set up to review the managerial approach of the XRL project comprehensively. Yet, some members of the public have criticized that as all members of the Independent Board Committee are independent non-executive directors of the MTRCL, the investigation is "an investigation conducted by peers" that lacks independence. On 2 May, the Government announced that a three-person independent expert panel (IEP) would be set up to conduct a comprehensive examination of the delay of the project, but the Chairperson-designate resigned from the panel for alleged conflict of interests a few hours after his appointment was announced by the Government. In this connection, will the Government inform this Council:*

- (1) *whether it has assessed the respective numbers of days of delay in the XRL project caused by the inclement weather and difficult geological conditions;*
- (2) *whether it has assessed if the Government needs to apply to the Finance Committee of this Council for supplementary provisions for the XRL project; if the assessment outcome is in the affirmative, when it will submit the application and the amount involved; if the assessment outcome is in the negative, the reasons for that;*
- (3) *given that documents submitted by the MTRCL to this Council have revealed that on 21 November 2013, senior officials of the Transport and Housing Bureau had a telephone conversation and a meeting with the senior management of the MTRCL, and at that meeting the MTRCL told the Transport and Housing Bureau that commissioning XRL under an "extended" Minimum Operating Requirement (MOR) concept in 2015 was still possible (hereinafter referred as "the information") but the Transport and Housing Bureau explicitly questioned this "extended" MOR and did not agree to it, (i) why the Government did not announce the information immediately, (ii) of the person who decided not to announce the information, (iii) whether it was mentioned in the telephone call and meeting that the XRL project had a cost overrun (if it was, of the details), and (iv) why the Secretary for Transport and Housing (the Secretary) did not attend that meeting;*
- (4) *whether it has assessed if there was dereliction of duty on the part of the Secretary in the delay of the XRL project, and how the Secretary should discharge his political responsibility under the Political Appointment System;*
- (5) *whether it has assessed if members of the public accepted the explanations and apologies made by the Secretary for his handling of the delay of the XRL project; if it has assessed, of the outcome; if not, the reasons for that;*
- (6) *whether it has assessed the impacts of the delay in the XRL project, including (i) if it has given rise to discontent among members of the public towards the Government; (ii) if members of the public have*

lost their confidence in the MTRCL and the Government; (iii) the economic losses caused to Hong Kong; and (iv) the impacts on the progress of the WKCD project; if it has assessed, of the outcome; if not, the reasons for that;

- (7) whether it will demand the MTRCL to dismiss its Chief Executive Officer and other senior staff members who have been found derelict in their duties, instead of letting them depart upon expiry of their contracts; if it will, when it will make such a demand; if not, the reasons for that;*
- (8) whether it has proposed any remedial plan to the MTRCL to deal with the delay in the XRL project, so as to mitigate the adverse impacts of the delay; if it has, of the details; if not, the reasons for that;*
- (9) whether it has discussed with the Mainland authorities the delay of the XRL project, so as to avoid affecting the connection of the boundary control points of both sides and causing other problems; whether it has assessed the impact of the delay on the economies of Hong Kong and the Mainland as well as the integration between the two places; if it has assessed, of the outcome; if not, the reasons for that;*
- (10) whether it will demand the MTRCL to reorganize the Independent Board Committee to enhance its independence; if it will, of the details; if not, the reasons for that;*
- (11) when it made the decision to appoint the IEP; whether it has explained to the panel members their specific scope of work prior to their appointments; if it has, of the details; if not, the reasons for that; and*
- (12) when the IEP is expected to complete its investigation; whether it will publicize the investigation report in full; if it will, of the time of publication; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to the 12 parts of Dr LAM Tai-fai's question is as follows:

With regard to parts (1), (2), (6)(iii), (6)(iv), (8) and (9), the Hong Kong section of the XRL is an important transport infrastructure in Hong Kong and the Government is highly concerned with its delay. The Government will spare no effort in following up with the MTRCL to catch up with works progress and contain construction costs. In the light of the latest development, the Government has requested the MTRCL to strive to minimize the delay and contain any additional costs within the approved project estimate. We are requesting more information from the MTRCL to explain the causes of the serious delay (for example, whether there was any delay which might have been caused by inclement weather and difficult geological conditions) and the detailed delay recovery plans. Upon receipt of all the relevant information from the MTRCL, we will critically review whether the new completion date recommended by the MTRCL is realistic and achievable; and report to the Legislative Council and the public as early as possible. At present, we do not have a concrete estimate on the commissioning date of the XRL. We have yet to assess any economic loss which might have been caused by the delay.

With regard to the WKCD, the Government needs time to assess in detail the possible impact of the delay of the XRL on the WKCD and will continue to maintain close liaison with the WKCD Authority. As for the liaison with the Mainland, the Highways Department (HyD) has been discussing, through a liaison group, with the relevant Mainland units regarding the works progress of the XRL and co-ordination of cross-boundary works arrangements. We will continue to liaise closely with our Mainland counterparts under the existing mechanism, including examining any possible impact on the Mainland control points arising from the delay.

On part (3) of the question, in connection with the meeting between the Government and MTRCL on 21 November 2013, we have provided a document (LC Paper No. CB(1)1422/13-14(04)) which sets out the key points of the meeting, including issues raised under part (3) of the question. A copy of the abovementioned document is attached at Annex A for reference. The Government has also provided a full account of the issues at the meeting of the Legislative Council Subcommittee on Matters Relating to Railways (RSC) on 5 May and 19 May.

In gist, having deliberated at length with the MTRCL at the meeting on 21 November 2013 and based on the agreement at the meeting, the Government stated at the Legislative Council RSC meeting on 22 November 2013 that "the major works of the XRL could be completed within 2015. Thereafter, testing and trial runs would be conducted. Normally, this would take six to nine months". This was a true assessment based on the judgment and considerations at the time. During the period after that, the HyD had been requesting the MTRCL to provide more details about their delay recovery measures in order to ascertain whether the target commissioning date should be revised. Dr LAM enquired whether it was mentioned in the telephone call and meeting on 21 November 2013 that the XRL project had a cost overrun. As we have stated in the relevant paper, the Government was aware that the project had encountered delay in different contracts and the MTRCL had taken measures to recover delay; at the same time, the Government had all along reminded the MTRCL that any delay recovery measures should not cause any cost-overrun for the XRL project. On that day (21 November 2013), I did not join the meeting as my work schedule was already full. Therefore, I directed the Permanent Secretary for Transport and Housing (Transport) to chair an urgent meeting with the senior level of the MTRCL to clarify the situation. Please see Annex B for the representatives from the Transport and Housing Bureau and HyD.

On parts (4) and (5) of Dr LAM's question, as I mentioned at the Legislative Council RSC meeting on 5 May and during several occasions thereafter, looking back, one might ask if the Transport and Housing Bureau and HyD had placed too much trust in the MTRCL. I agree that the judgment at the time and the way we subsequently handled the matter were less than satisfactory. We could have made public and informed the Legislative Council about the different views of the Government and MTRCL. I take responsibility for this. I have solemnly apologized to the Legislative Council and the public and I am prepared to accept criticism. As I stated at the RSC meeting on 19 May, as the Secretary, I have all along respected and trusted professional judgment in handling matters relating to the XRL. All the reports I submitted to the Legislative Council were based on the professional reports and assessments of the HyD. There has never been a question of overriding professionalism with politics. If the IEP appointed by the Chief Executive finds in its review that I, as the Secretary for Transport and Housing, should take responsibility in the Government's monitoring system of the XRL and during the monitoring process, I would immediately resign.

On part (6)(i) and (6)(ii) of Dr LAM's question, through various channels including letters and emails from the public, media reports and questions from Members of the Legislative Council, we understand clearly the public's grave concern with and criticism about the delay of the XRL works. The most imminent task for the Government is to follow up with the MTRCL on the construction progress, and closely monitor and ensure that the MTRCL will minimize the delay and contain the costs within the approved budget. As regards the responsibilities of the MTRCL under the Entrustment Agreement, we will be consulting the Department of Justice to ensure that the taxpayers' interests are safeguarded under the relevant law. Furthermore, upon completion of the report by the IEP, should there be any human factors involved, we will surely ascertain the relevant liabilities separately.

On parts (7) and (10) of the question, the Government will learn the lessons from this incident and step up regulation on the MTRCL regarding the construction works and other aspects. The Government will adopt a series of measures to strengthen the MTRCL Board, including the nomination of new Board members. The committee of independent non-executive directors set up by the MTRCL is conducting a thorough review of the Corporation's project management regime in relation to the XRL. It plans to complete its preliminary report by July. If the report finds that any of the MTRCL staff have failed to exercise due diligence in discharging their duties and should take any responsibilities, the MTRCL Board will follow up the matter in a fair manner.

On parts (11) and (12) of the question, the Acting Chief Executive announced on 16 May that the Government has appointed Honourable Mr Justice HARTMANN as Chairman of the IEP, and the two other members, Mr Peter HANSFORD and Prof Andrew J WHITTLE, who are both overseas experts in the engineering field. The IEP is expected to commence work in June this year for completion before the end of November this year. The IEP will submit the Report to the Chief Executive and the report will be made public. The Terms of Reference of the Panel is at Annex C. The IEP will identify any systemic and any other problems involved in project implementation and supervision. As mentioned above, should there be any human factors involved, the Government or the MTRCL will separately ascertain the relevant liabilities and follow up.

Annex A

CB(1)1422/13-14(04)

政府總部
運輸及房屋局
運輸科
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15 May 2014

Secretary General
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms. Sophie LAU)

By Fax: 2978 7569

Dear Ms. LAU,

**Request for Administration's Submission of
Notes of the Meeting held on 21 November 2013 between
Representatives of the Administration and MTR Corporation Limited to
Subcommittee on Matters Relating to Railways**

I refer to the letter dated 7 May 2014 from the Hon. James TO to the Chairman of the Subcommittee on Matters Relating to Railways (RSC) that you forwarded to us on 8 May 2014. I have been authorised to reply as follows.

The key points of discussion at the meeting held on 21 November 2013 between the Transport and Housing Bureau (THB) and the representatives of the MTR Corporation Limited (MTRCL) are detailed at the **Annex**. They are prepared by the Government as a record of the meeting. Comments from MTRCL have not been sought.

The meeting deliberated at length the possibility of the **completion and commissioning** of the XRL in 2015. The crux lay in the assessment on the progress of cross-boundary tunneling works under Contract 826 instead of the works of the West Kowloon Terminus (WKT).

In August/September 2013, MTRCL raised the possibility of “partial opening” scenario with the Highways Department (HyD). Under the “partial opening” scenario, six out of the 15 tracks and the essential railway facilities at the WKT should be ready to provide passenger service in order to meet the passenger demand at the initial commissioning of the XRL. As MTRCL did not provide adequate information at that time supporting the feasibility of the “partial opening” scenario, HyD, without indicating agreement to the proposal, requested MTRCL to provide further information such that a report could be made to THB. At the meeting on 21 November, the Government queried that even if the “partial opening” scenario for the WKT were adopted, the XRL could not commence operation if the tunneling works of Contract 826 could not be completed in time. MTRCL explained that based on their successful experience in delivering several rail lines in the past, they were confident that they could catch up with the delay.

The Government had two prime considerations on that day. First, while the commissioning of the XRL by 2015 was an important policy and planning objective which should be achieved as far as possible, we had to face squarely any delay caused by insurmountable technical difficulties that the project had come across. The point was that we had to alert the Legislative Council (LegCo) and the public as early as possible. Second, at the meeting, the Chief Executive Officer and the Projects Director of MTRCL both assured the Government many times, with much confidence, that the XRL could be commissioned by 2015, and did not lose their confidence despite the Government’s repeated queries and challenges. In fact, based on the information available, the Director of Highways and his colleague could not rule out, at the meeting, the possibility of the commissioning of the XRL by 2015. At the meeting, MTRCL also made it clear that should it be made public at that stage that the target of 2015 might be changed, MTRCL would lose its leverage to urge its contractors to push forth the project, and the commissioning of the XRL by 2015 would then be really impossible. At that time, the Government considered the MTRCL’s view reasonable and we should strive to avoid a self-fulfilling prophecy.

The reason for not mentioning the “partial opening” arrangement of the WKT at the LegCo RSC meeting held on the following day (22 November) was that the Government had not agreed to such an arrangement. We opined that MTRCL had not provided adequate information supporting the feasibility of the scenario. More importantly, our assessment at that time was that the crux lay in the assessment on the

progress of cross-tunnelling works under Contract 826. If the tunneling works could not be completed, the timely completion of WKT works would not be of much relevance. Our focus was thus on the completion date of the tunneling works. The fact was, on that day the Government could not completely rule out the possibility of the construction works to be completed by 2015.

Therefore, at the LegCo RSC meeting on 22 November, the Government stated that “based on the latest assessment of MTRCL, the major works of the XRL could be completed within 2015. Thereafter, testing and trial runs would be conducted. Normally, this would take six to nine months. The railway might only come into operation after the relevant authorities have approved the test results so as to ensure the safety and reliability of the railway service”. The statement did reflect the respective views of the THB (including HyD) and MTRCL on the progress of the works. In particular, from the perspective of THB, we would like to convey the message that while the major works could be completed within 2015, the date of commissioning would have to be confirmed. The statement also took account of the consideration on urging the contractors to push forth the project hoping to give the MTRCL a chance to catch up with the delay. We also made it clear to the MTRCL that we had to report to the public as soon as possible if it became clear in the coming months that the progress of delay recovery was not satisfactory. Following the meeting, HyD has been asking MTRCL to submit details on the progress of the delay recovery measures to ascertain whether the target commissioning date should be revised.

Yours sincerely,



(Miss Winnie Wong)
for Secretary for Transport and Housing

Encl.

c.c. Director of Highways

Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL)
Meeting on 21 November 2013

Present

Government representatives

Mr Joseph Lai, Permanent Secretary for Transport and Housing (Transport)

Mr S M Yau, Under Secretary for Transport and Housing

Mr K K Lau, Director of Highways

Mr F Chan, Director of Electrical and Mechanical Services

Mr Henry Chan, Principal Government Engineer/Railway Development,
Highways Department

Ms Rebecca Pun, Deputy Secretary for Transport and Housing (Transport)¹

Ms Winnie Wong, Principal Assistant Secretary for Transport and Housing
(Transport)³

MTRCL's representatives

Mr Jay Walder, Chief Executive Officer

Mr T C Chew, Projects Director

Mr Jacob Kam, Operations Director

Mr Antonio Choi, General Manager (XRL)

Ms Maggie So, Deputy General Manager - Projects & Property Communications

1. The Government stated that the Highways Department (HyD) and MTRCL briefed the Transport and Housing Bureau (THB) on 8 November 2013 on the latest position of the XRL project, including the construction progress of the West Kowloon Terminus (WKT) and the tunneling works under Contract 826. At that meeting, MTRCL expressed that WKT could be ready for "partial opening" by December 2015. Under the "partial opening" scenario, six out of the 15 tracks and the essential railway facilities at the WKT should be ready to provide passenger service. As for the tunneling works under Contract 826, they could only be completed by October 2015 and the testing of XRL (which would normally take three months) could only commence from October 2015. As it would take at least another three months to conduct trial runs, the target opening date of end-2015 might be affected. A similar briefing was conducted for the Secretary for Transport and Housing (STH) on 20 November. Based on

the assessment of works progress, THB contemplated making it public at the Legislative Council (LegCo) Subcommittee on Matters Relating to Railways (RSC) meeting scheduled for 22 November 2013 that the XRL might only commence operation after 2015.

2. In the morning of that day (21 November), the Chief Executive Officer (CEO) of MTRCL called STH saying that the XRL works could be completed in 2015 and service could commence by end-2015. The CEO did not agree to inform the RSC on 22 November that the completion date of 2015 would be delayed. STH responded that the Projects Director of MTRCL had informed the Government of the delay. The CEO said that he would further check with the Projects Director. He subsequently called STH again saying that he had confirmed with the Projects Director and stressing that the XRL could come into service by end-2015. STH did not accept this conclusion and directed the Permanent Secretary for Transport and Housing (Transport) (PST) to hold an urgent meeting with the CEO of MTRCL to clarify the situation.
3. The Government said that the meeting aimed at obtaining the latest assessment from MTRCL on the completion and commissioning date of the XRL. Should it become apparent that the XRL could not be completed and commissioned by 2015, we had a duty to inform the public as early as possible.
4. The MTRCL expressed that the 2015 commissioning date was still achievable and all contractors were working towards this target.
5. The Government said that they were confident that the MTRCL could complete the works. But the Government expected the LegCo RSC would ask whether the XRL could be completed and commissioned in 2015. The Government said that the MTRCL had been informing the Government that even if the WKT could be partially opened by end-2015, the severe delay in the cross-boundary tunneling works under Contract 826 was their main concern. If the testing and trial runs of XRL could only commence in October 2015, the Government queried how MTRCL could complete all necessary procedures within three months. If there was indeed delay in the XRL, we could not avoid the question and we had to inform the public as soon as possible.

6. The Government said that we could inform the public that the works were very complicated. Taking into account the need to conduct testing and trial runs, we anticipated that there would be delay in the XRL. While we hoped to complete the XRL by 2015, a more realistic assessment for the commissioning date would be within 2016 even though we could not preclude, at that stage, the possibility that the XRL might be commissioned in 2015. The Government asked if the MTRCL was still confident that they could complete the XRL works within 2015.
7. MTRCL said that two dates were crucial, i.e. the completion date and the commissioning date. They said that it was still possible for the XRL to be completed and commissioned in 2015.
8. The Government said that if the XRL works could be completed in the first half of 2015, then we could say that the XRL could be commissioned in 2015.
9. MTRCL said that they had indeed been saying that the XRL works could be completed by 2015. At the briefing for THB on 8 November 2013, they said that the opening date of 2015 might be affected. Their assessment then had assumed that the contractors had not yet fully recovered the delay. But MTRCL said that they were trying hard to identify solutions to meet the target commissioning date of 2015. They said that they believed, at the very least, single track operation would be possible in 2015 (single track operation was to use a single track for the northbound and southbound trains, running alternatively between WKT and the boundary of the Mainland). As the train schedule at the initial opening phase was not frequency, such an arrangement might be feasible. In addition, they explained that the information presented earlier was meant for the relevant Mainland units so as to urge them to expedite the tunneling works on the Mainland side.
10. The Government said that both sides were trying to tackle the situation in good faith. Given what was happening on the ground, we should inform the public immediately that the XRL might not commence operation in 2015 even though we could not completely discount this possibility.
11. MTRCL said that they would have a better sense of the subsequent works after the first cross-boundary tunneling boring machine had crossed to the

Hong Kong side. Once the works for one of the tracks were completed, they could start trial runs using that track. MTRCL said that all projects encountered challenges and such challenges could be overcome. They did not see how XRL was fundamentally different from other projects in this aspect. They failed to see any benefit of changing the 2015 target at that time. Based on their successful experience in delivering several rail lines in the past and Hong Kong's "can do" spirit, they were confident that they could catch up with the delay. MTRCL said that the project had encountered delays earlier and such delays could be recovered.

12. The Government queried that single track operation did not comply with government requirement. They expressed clearly that this was unacceptable. If the 2015 target was only achievable by using the single track operation, we had to inform the public.
13. MTRCL said that it remained their target to have dual track dual direction operation and that single track operation was only a fall-back in the worst case scenario. They would need another six months before they could confirm if they could catch up with the delay.
14. The Government asked MTRCL if they were confident that the second cross-boundary tunnel boring machine could cross to the Hong Kong side by early 2015 and that the XRL works could be completed within 2015.
15. MTRCL said that they did not under-estimate the challenges in the project and they would keep urging the contractors to expedite works. They considered it premature to inform the LegCo RSC on the following day (22 November) that the target commissioning date of XRL would be changed.
16. The Government said that the MTRCL had submitted to the Government quarterly reports on the progress of the cross-boundary tunneling works for the past year and the reports had indicated continual delay in the works. According to the latest report, the tunneling works could only be completed in October 2015. The Government asked why MTRCL would still be confident that they could recover the delay for the entire project.
17. MTRCL said that it was imperative to adhere to the 2015 target so that they could continue to "exert pressure" on the contractors. They said that if we

were to announce a change of commissioning date to 2016, it might become a "self-fulfilling prophecy". The best way for the project to achieve its original target was to keep urging the contractors to move forward.

18. The Government asked MTRCL what target they had given to the contractors. MTRCL said that they had been telling the contractors that the XRL should start passenger service within 2015.
19. The Government noted that there was delay in the cross-boundary tunneling works, and such delay would eat into the time for the tunneling work on Hong Kong side, thus posing challenges to MTRCL. MTRCL said that once the cross-boundary tunneling works had completed and the tunnel boring machine had crossed to and started works on the Hong Kong side, they would be in a better position to assess the situation and catch up with the delay as soon as possible. MTRCL requested that Government give them six more months before making a judgment on whether XRL could be completed by 2015.
20. The Government reminded MTRCL not to over-state its ability to overcome all the challenges then. MTRCL said that while there was delay in the cross-boundary tunneling works, WKT could start operation by end-2015.
21. MTRCL expressed the view that it was too early to say at this stage (i.e. November 2013) that the target date could not be met as there were two more years to go. Doing so would be rare for a project of this scale. Giving up the target would relieve the pressure on the contractors to complete the works on time and would not help the Projects Team in delivering the project.
22. The Government asked the MTRCL what delay recovery measures they intended to deploy and if MTRCL continued to use 2015 as the completion and commissioning target. With the prime objective of ensuring rail safety, there had to be a period of testing and trial runs after the completion of works before the XRL could come into service. MTRCL said that they would make the best endeavor to achieve the 2015 commissioning target.

23. The Government asked MTRCL, based on the assessment then, whether we could state that the XRL works could be completed within 2015. MTRCL said that we could stress that the MTRCL would make their best endeavor to achieve the 2015 target. MTRCL also said that testing on the Hong Kong side could be conducted in phases. The Government said that cross-boundary testing could only start upon the completion of works for the entire section.
24. The Government enquired again if MTRCL remained confident that the XRL could be commissioned by end-2015. MTRCL said that there were still two years before 2015 and they remained confident that they could recover the delay. The Government asked MTRCL if that meant the information they had submitted earlier (i.e. 8 November) was overly pessimistic. MTRCL said that according to his understanding, the report was intended to be used for requesting the relevant Mainland units to recover delay.
25. MTRCL also said that they had all along kept HyD abreast of the challenges they faced. The Government said that they were aware that the project had encountered delay in different contracts and MTRCL had taken measures to recover delay. At the same time, the Government had reminded MTRCL before that any delay recovery measures should not cause any cost-overrun for the XRL project. The Government reminded MTRCL that they should inform the Government immediately if they found that the XRL works could not be completed on time.
26. In the end, both sides at the meeting agreed to inform the LegCo RSC that the main works of XRL could be completed within 2015. There would be testing and trial runs (which would normally take six to nine-months) upon the completion of works. Separately, both sides agreed that if pressed on the month in which the works would be completed, it should be pointed out that the concrete timing was uncertain though the best efforts would be made to complete the works by 2015. If asked on whether the XRL could only come into service in 2016, we should undertake to report to the RSC in six months' time when we had a better assessment.

Annex B

Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL)
Meeting on 21 November 2013

Present

Government representatives

Mr Joseph Lai, Permanent Secretary for Transport and Housing (Transport)

Mr S M Yau, Under Secretary for Transport and Housing

Mr K K Lau, Director of Highways

Mr F Chan, Director of Electrical and Mechanical Services

Mr Henry Chan, Principal Government Engineer/Railway Development,
Highways Department

Ms Rebecca Pun, Deputy Secretary for Transport and Housing (Transport)¹

Ms Winnie Wong, Principal Assistant Secretary for Transport and Housing
(Transport)³

MTRCL's representatives

Mr Jay Walder, Chief Executive Officer

Mr T C Chew, Projects Director

Mr Jacob Kam, Operations Director

Mr Antonio Choi, General Manager (XRL)

Ms Maggie So, Deputy General Manager - Projects & Property Communications

Annex C

Terms of Reference of the IEP

In respect of the Hong Kong section of the XRL project:

- (i) to review the project management, monitoring, and cost control mechanisms of the MTRCL on the implementation of XRL project — covering systems, processes, practices and *modus operandi* of the Corporation;
- (ii) to review the monitoring mechanism adopted by the Hong Kong SAR Government over the delivery of the XRL project — covering the interface between the MTRCL and the HyD over the XRL project; the system,

processes, practices and *modus operandi* of the HyD in supervising the implementation of the XRL project; as well as the overseeing role and *modus operandi* of the Transport and Housing Bureau; and

- (iii) to identify systemic and any other problems involved in project implementation and supervision, and to make recommendations on measures for improving the above systems, processes and practices, where appropriate.

Use of Blogs to Communicate with Public by Chief Executive and Principal Officials

4. **MR PAUL TSE** (in Chinese): *President, the Chief Executive and some principal officials, such as the Financial Secretary and the Secretary for Development, have been using blogs to make comments from time to time in recent years. For instance, Financial Secretary posted a blog entry entitled "Turn back and you are ashore" on the 11th of this month, commenting that the "filibustering" at meetings of this Council by some Members during the scrutiny of the Appropriation Bill (the Bill) had affected various public services and the daily lives of the people. Financial Secretary further pointed out that since the Government would defer its allocation of funds for June to public organizations should the Bill not be passed on schedule, the Hospital Authority (HA) had invested its liquid capital in shorter-term bank deposits in order to avoid its daily operation being affected by the delay in funding allocation. It was estimated that the interest foregone by the HA would be around \$1 million and this would be the first instance of actual loss of public funds caused by the "filibusters" this year. On the other hand, it is noted that a Member of this Council criticized earlier on that a number of principal officials were only good at writing blog posts behind closed doors like "otakus" and refused to give an account of the Government's views openly in person. In this connection, will the Government inform this Council:*

- (1) *of the role of the blogs of Chief Executive and the principal officials in policy implementation by the Government; whether the blogs are used as official channels through which the Government announces its policies and relevant policy amendments as well as disseminates its information to the public;*

- (2) *whether Chief Executive, Financial Secretary and Secretary for Development have communicated with one another to achieve a uniform stance before posting their respective blog entries each time; if they have, of the communication procedure; if not, the reasons for that;*
- (3) *whether comments made by the principal officials in their blogs represent the stance of the Government;*
- (4) *whether it has studied if it is more appropriate to deliver the aforesaid blog comments at a press conference or in a press release instead of publishing them as a blog post, having regard to the fact that most members of the public do not have the habit of browsing websites and blog posts every day; if it has, of the results of its study; if not, whether it will conduct such a study;*
- (5) *whether Chief Executive and the principal officials have adopted uniform criteria in determining the circumstances under which blogs, instead of the Government's prevailing channels, are to be used to disseminate information to the public; and*
- (6) *of the respective numbers of staff members in the Office of Chief Executive and the offices of the principal officials who are responsible for blog-related duties (including information collation, writing and posting blog entries), as well as the manpower and resources earmarked for such duties in 2014-2015?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, the issues in question are related to the arrangements for information dissemination by the principal officials of various bureaux and departments with the assistance of the Information Services Department (ISD). The following reply is consolidated by the Home Affairs Bureau:

- (1) In its pursuit of "people-based" governance, the Government formulates various policy initiatives with the aim that they can be understood, supported and monitored by the public to better respond to the needs of the community. To this end, the Government, in adhering to the principle of openness and transparency, disseminates

its messages to the general public through various media and channels including blogs. The ISD is mainly responsible for assisting departments in their publicity and news work by providing them with information dissemination platforms. The Chief Executive and the principal officials will decide on the contents of information to be disseminated through their blogs as necessary.

- (2) Principal officials' offices and other officers involved in information dissemination maintain communication with relevant colleagues in other departments as deemed necessary in their daily work.
- (3) Blogging is one of the many means of information dissemination. It also serves as one of the information platforms for principal officials' to communicate with the public.
- (4) To promote and tie in with the wider use of information technology in the community, the Government makes use of the Internet for strengthening communication, such as uploading of press releases, press photos and news clips of the Government to the GovHK one-stop portal for public access and browsing around the clock, live broadcasting of the whole course of major press conferences on Government websites, and setting up of webcasting archives for the browsing of the press conferences and other news clips. Blogging is also one of the communication channels via the Internet. The links to the blogs of principal officials are also available on the Social Media webpage <<http://www.gov.hk/en/about/govdirectory/socialmedia.htm>> in the GovHK one-stop portal for public and media access.
- (5) There are different channels for Government's information dissemination and communication, including press releases, webpages, social media such as blogs, press conferences, briefings, speeches at public events or meetings, publications and government gazettes, and so on. Departments may decide on the channels for information dissemination and communication as they deem most appropriate, taking into account the nature of the information and the actual circumstances.

- (6) Assistance provided for publishing blogs is also a kind of work related to information dissemination. Resources in this respect are reflected in the overall expenditures of the departments concerned.

Causes and Impacts of Delay in Completion of Project to Construct Express Rail Link

5. **DR KWOK KA-KI** (in Chinese): *President, the MTR Corporation Limited (MTRCL) announced on 15 April this year that the completion of the project to construct the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL project) would be delayed to 2016, and XRL would not be commissioned until 2017. It has been reported that there would be delay in the completion of the West Kowloon Cultural District (WKCD) project due to the delay of the West Kowloon Terminus works of XRL. At the meeting of the Subcommittee on Matters Relating to Railways of this Council (the Subcommittee) held on the 5th of this month, the Secretary for Transport and Housing and representatives of the MTRCL informed Members of this Council of the latest position of the XRL project. Based on the information available and the financial analysis conducted to date, the latest projected cost of the XRL project is about \$68.4 billion, which exceeds the original funding of \$65 billion allocated to the MTRCL by \$3.4 billion. The detailed cost estimate was expected to be completed in July this year. In this connection, will the Government inform this Council:*

- (1) *as the MTRCL has indicated that the progress of the XRL project has been affected by the serious damage caused to a tunnel boring machine (TBM) in the Yuen Long tunnel section during a rainstorm, whether it knows the details of the impact;*
- (2) *given that a paper presented by the MTRCL at the aforesaid Subcommittee meeting indicates that difficult ground conditions have been encountered in the construction of the Huanggang to Mai Po Tunnels, whether it has looked into the reasons why the MTRCL had failed to timely discover the said ground conditions during the trial pit investigations;*

- (3) *as it was reported that in March last year, when tunnel boring works under the XRL project were being carried out at Tai Kok Tsui, the TBM came across some H-shaped piles which obstructed the works, whether the Government knows the number of similar incidents that happened during the implementation of the XRL project, the details of such incidents and their impacts on the progress of the project;*
- (4) *whether it knows how the MTRCL calculated the aforesaid latest projected cost of HK\$68.4 billion; and*
- (5) *whether the existing project vote of the WKCD project can absorb the additional costs caused by the delay of the XRL project; if it cannot, of the Government's specific timetable for seeking the approval of the Finance Committee of this Council for a supplementary provision?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the five parts of Dr KWOK Ka-ki's question is as follows:

- (1) Regarding the flooding incident of the TBM of Contract 823A Tai Kong Po to Tse Uk Tsuen tunnel section in Yuen Long, the Highways Department (HyD) received a recovery plan from the MTRCL on 16 May 2014. The HyD is reviewing the contents of the report and the impact brought to the works progress of the Hong Kong section of the XRL.
- (2) According to the information from the ground investigation conducted before commencement of works in 2009, it was anticipated that there might be a 200-metre marble zone at the section of the tunnel of Contract 826 Huanggang to Mai Po section tunnel works under the Mai Po fishpond. When the contractors carry out the works, it is necessary to conduct further ground investigation in front of the TBM at possible locations of cavity and make suitable arrangements and adjustments to works processes having regard to information gathered from ground investigation and actual site conditions, so as to ensure the TBM can move forward smoothly. In mid-April 2014, the southbound TBM has already

excavated up to the part of the tunnel where the afore-mentioned marble zone was anticipated. Taking into account the need to detect any possible cavity, the TBM therefore has to operate at a slower speed than originally planned. Up to the end of April 2014, according to the MTRCL, the contractor has yet to detect any marble zone, that is, no cavity is detected yet.

- (3) In January 2013 when the works of the main tunnel of the XRL were being carried out using a TBM under Hoi Wang Road in Tai Kok Tsui, the MTRCL discovered, in front of the TBM, old columns abandoned during the reclamation in West Kowloon. Those columns have no connection with the buildings in the vicinity of Hoi Wang Road. The contractors have removed the columns in mid-2013, and the TBM has immediately continued to move forward and finished the works of that section of the main tunnel of the XRL. The MTRCL monitored closely during the whole course of works, including the installation of monitoring points to monitor closely the infrastructures and buildings in the vicinity of Hoi Wang Road. All data indicated that the works did not affect the infrastructures and buildings nearby.
- (4) The XRL is an important transport infrastructure in Hong Kong and the Government is highly concerned with its delay. The Government will spare no efforts in following up with the MTRCL to catch up with the works progress and contain the construction costs. In the light of the latest development, the Government has requested the MTRCL to strive to minimize the delay and contain any additional costs within the approved project estimate. Currently, we are requesting more information from the MTRCL to explain the causes of the serious delay and details of the delay mitigation and recovery measures.
- (5) The Government needs some time to assess in detail the possible impact of the delay of the Hong Kong section of the XRL to the WKCD and we will continue to maintain close liaison with the WKCD Authority.

"PMQ" Project

6. **MR LEUNG KWOK-HUNG** (in Chinese): *President, PMQ is a revitalization project implemented at the former Police Married Quarters on Hollywood Road. After the Secretary for Development replied to my question on PMQ on the 8th of this month, quite a number of members of the public, tenants of PMQ and conservation organizations have relayed to me that some parts of the reply are disputable. In addition, it has recently been reported by the media that the PMQ Management Company Limited (the management company) has faults in managing the project. In this connection, will the Government inform this Council:*

- (1) *as the Government indicated in its reply that 90% of the 130 or so studio units and eight commercial units at PMQ had been leased out, whether the Government knows the number of studio and commercial units which had opened for business on each floor at present;*
- (2) *as the Government indicated in its reply that the management company had, in view of the actual circumstances, decided that the commencement of the rental periods for the studio units should be revised to start from 1 May 2014, if the Government knows:*
 - (i) *what "the actual circumstances" refer to and whether they include requests initiated by the tenants and offers initiated by the management company;*
 - (ii) *whether the management company has informed all the tenants of the aforesaid decision; if it has, of the means and date; if not, the reasons for that;*
 - (iii) *whether the management company had, prior to making the aforesaid decision, requested tenants to pay rents and open for business from April this year; if it had, of the number of tenants involved; and*
 - (iv) *whether any tenant has paid for the rents for April this year earlier on; if so, of the number of such tenants, and whether the management company will refund to them the rents for April;*

- (3) *whether it knows if Chocolate Rain, a local brand, is a tenant of PMQ and if its persons-in-charge/shareholders are members of the tenant selection committee; if the answers to both questions are in the affirmative, of the justification of the Government for stating that "no conflict of interest was found during the tenant selection process" in its reply;*
- (4) *as the Government indicated in its reply that the first eatery in PMQ had opened for business at the end of April, whether the Government knows the name, location, opening date, business hours and type of catering service of the said eatery;*
- (5) *as some members of the public have complained that the glass podium floor, the transparent staircases in the main building and the glass fences of PMQ have become black spots where women may be peeped on, whether the Government has requested the management company to follow up on the problem and make improvements immediately; if it has, of the details; if not, the reasons for that;*
- (6) *as the Government indicated in its reply that there were 71 000 people visiting PMQ for the first 13 days since its partial opening in mid-April, whether the Government knows the number of female visitors among them; whether it has assessed the number of female visitors who were affected by the problem referred to in part (5);*
- (7) *whether it knows if PMQ has solicited a number of famous brands and bars to be its tenants; if PMQ has, whether the Government has evaluated if this practice runs against the Government's policy objective to conserve the historic building; and*
- (8) *whether it knows if any eateries at PMQ have been issued with liquor licences; if they have, of the dates of issuance and number of the licences issued; whether the authorities concerned have consulted the residents in the local community and conducted assessment on the impacts of alcohol sale at PMQ on such residents when considering the relevant licence applications; if they have not, of the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, as regards the questions raised by Mr LEUNG Kwok-hung, the replies are as follow:

- (1) PMQ Management Company Limited (PMQ Ltd) advised that about 80 tenants have already commenced operation. Other tenants who had signed the leases had also set dates for commencing operation progressively.
- (2)
 - (i) PMQ Ltd advised that it is a registered charitable organization, operating on a self-financing basis. They consider the tenants as important components in the establishment of a new creative industries landmark for Hong Kong, and have been proactive in maintaining communication with the tenants. They have also been evaluating the development of the whole project in a timely manner and are making prudent decisions to ensure the sustainability of the project.
 - (ii) PMQ Ltd advised that they had notified the tenants by email on 27 April 2014 that the rental period would commence on 1 May 2014.
 - (iii) PMQ Ltd advised that all the leases signed with studio tenants had included a two-month rent-free period. The rent-free period commenced on the date of taking over of the units by the tenants. However, PMQ Ltd also advised that they had notified the concerned tenants that the rental period would commence on 1 May 2014.
 - (iv) PMQ Ltd advised that any rental payment balance could be deducted from the rent for May.
- (3) PMQ Ltd advised that they had set up two tenant selection committees to be responsible for the selection of commercial and studio tenants respectively. Members of the tenant selection committees had already made declaration on any conflict of interest with respect to tenant selection. It was noted that no conflict of interest was reported during the tenant selection process. For studio tenant application process, PMQ Ltd invited 52 industry leaders in

the creative industries to form assessment panels. The application proposals were distributed to members of the assessment panel for assessment based on the results of a ballot. The assessment results were submitted to the tenant selection committee for making a decision. The marks awarded to each proposal were given by not less than five members of the assessment panel in two assessment stages. The assessment panel members had no right to make any decision on the tenant selection, and they also needed to declare any conflict of interest before conducting the assessments. According to records, there was no conflict of interest reported during the assessment process. The founder of "Chocolate Rain" is one of the 52 members of the assessment panel for studio units and is only responsible for some of the assessments for studio units. She had already made declaration on any conflict of interest and she was not a member of the tenant selection committee. It is thus considered that there is no conflict of interest in this case. The unit leased by her is a commercial unit, and its proposal was handled by a separate and independent tenant selection committee for commercial units. The leasing conditions for that unit are similar to that for other commercial units, and there is no special treatment.

- (4) PMQ Ltd advised that the name of the restaurant unit is "SHOWcase by bread n butter", located in units "HG-01" to "HG-05" on G/F of Block B at "PMQ". It has already commenced operation on 30 April 2014 and is a French café. The normal operating hours are from 11 am to 8 pm.
- (5) Both the Architectural Services Department and PMQ Ltd attach great importance to the views of the public. The improvement works have already been completed, including installation of panels between the treads of open staircases and the placement of opaque stickers at some critical areas of the glass balustrades. Besides, display boards have also be installed on the underside of the skylights of the underground interpretation area to address concerns on the sightline issue.
- (6) PMQ Ltd advised that the record of numbers of visitors were not classified by gender.

- (7) PMQ Ltd advised that PMQ is a new creative industries landmark in Hong Kong. As a platform for promoting innovation and "co-creation", PMQ would group elites from various categories in design and creative industries including experienced designers. In this connection, diverse creative and design based exhibitions and activities will be organized by "PMQ" in collaboration with tenants, local and non-local creative communities, education institutions and other non-profit-making organizations to showcase Hong Kong's design excellence, and to promote the exchange of creative ideas.

Besides, PMQ Ltd has acquired charitable status under Section 88 of the Inland Revenue Ordinance (Cap. 112) for the implementation of the project on a self-financing and self-sustainable basis. In this connection, there is a need to generate income through commercial activities to meet the operational expense of "PMQ" and subsidize the studio tenants' operation.

"PMQ" has introduced creative-driven products and special food and beverage facilities to enhance the attractiveness of the whole project and enrich the shopping and leisure experience of visitors.

- (8) Based on the information provided by the Food and Environmental Hygiene Department (FEHD), as at 12 May 2014, the Liquor Licensing Board (LLB) had received applications for new issue of a liquor licence from five premises in "PMQ". All of these applications are being processed.

The LLB is an independent statutory body established under the Dutiable Commodities (Liquor) Regulations (Cap. 109B) (the Regulations) to consider applications for liquor licence. When examining a liquor licence application, the LLB is required to give due consideration to all relevant issues under Regulation 17(2) of the Regulations, including whether the applicant is a fit and proper person to hold the licence; whether the location and structure of the premises and their fire safety and hygienic conditions are suitable for the sale of liquor; and whether the grant of the licence is contrary to the public interest.

The LLB attaches great importance to the views of the local community. After receiving an application for a liquor licence, in addition to consulting the Police and other relevant Government departments, the LLB will also gauge the views of local representatives through the concerned District Office. Depending on the characteristics of the community, the consultees normally include District Council members, relevant residents' organizations and stakeholders. At the same time, the applicant is required to place an advertisement in newspapers, and the same will also be posted on the LLB webpage. Staff of the FEHD will also post three notices at the conspicuous places of the building where the premises under application are located. Residents can raise their objections against the liquor licence application to the LLB. If there is objection, an open hearing will be held. The applicant and the objector(s) will be invited to attend the hearing to present their arguments. The LLB will arrive at an independent decision on each application after listening to and taking into consideration the views from various parties. When granting a liquor licence, the LLB will decide whether to impose any additional licensing conditions in light of the circumstances pertaining to each individual case.

Measures to Combat Scalping of Admission Tickets to Places of Public Entertainment

7. **MS STARRY LEE** (in Chinese): *President, section 6(1)(b) of the Places of Public Entertainment Ordinance (Cap. 172) provides that any person who sells, or offers or exhibits or has in his possession for sale, or solicits the purchase of, any ticket authorizing admission to any place of public entertainment licensed under this Ordinance at a price exceeding the amount fixed by the proprietor or manager of such place or by the organizer of the activity held therein shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 (such tickets are commonly known as "scalped tickets"). It has been reported in some social networking websites that in recent years, ticket scalping syndicates hire large numbers of South Asians to queue up overnight at various ticket selling points for buying tickets for scalping. This shows that ticket scalping activities are becoming more organized and sophisticated in division of labour. It has also been reported that the penalty against ticket scalping is too lenient, which is far from adequate to curb such activities. In this connection, will the Government inform this Council:*

- (1) *of the respective numbers of reports received and prosecutions instituted by the police about ticket scalping activities, the number of persons convicted for carrying out such activities, the penalty imposed on such persons in general, as well as the total value of the admission tickets involved, in each of the past three years;*
- (2) *of the numbers of reports on ticket scalping received and prosecutions instituted by the police about ticket scalping activities in respect of the soccer exhibition match between Kitchee and Manchester United held in July last year, the Hong Kong Sevens held in March this year, and the concert by the Taiwanese band Mayday held in this month; the number of persons convicted for carrying out such activities, the penalty imposed on such persons in general as well as the total value of the admission tickets involved;*
- (3) *whether it has conducted any study to find out if ticket scalping activities has become more organized and sophisticated in division of labour in recent years; if so, of the outcome;*
- (4) *whether police officers disguised as customers (commonly known as "covert operations") were deployed in the past three years to combat ticket scalping activities on the Internet; if so, of the details; if not, the reasons for that; whether it will step up law enforcement actions by, for instance, increasing the frequency of "covert operations"; if so, of the details; if not, the reasons for that;*
- (5) *whether it will review the penalty for ticket scalping to enhance its deterrent effect; and*
- (6) *whether it will make reference to the relevant practices on the Mainland and encourage organizers of mega events to sell their tickets by way of "real name registration", under which ticket purchasers are required to provide the names of the entrants for printing on the tickets at the time of ticket purchase, and ticket holders whose names are different from those shown on the tickets will be denied entry, so as to curb ticket scalping activities; if so, of the details; if not, the reasons for that?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

(1) and (2)

The police do not maintain such figures.

(3) and (5)

In respect of any place of public entertainment, such as cinemas, licensed under the Places of Public Entertainment Ordinance (Cap. 172), any person who sells, or offers or exhibits or has in his possession for sale, or solicits the purchase of, any ticket or voucher at a price exceeding the amount fixed for such a ticket or voucher shall be guilty of an offence. A place that is under the management of the Leisure and Cultural Services Department (LCSD) is exempted under the Places of Public Entertainment (Exemption) Order (Cap. 172D).

All venues under the LCSD are managed by the LCSD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation. Pursuant to the relevant regulations, no person shall sell any article in the venues without authorization. Venue staff will advise anyone found doing so to cease the activity and leave the venue. Assistance will be sought from the police as and when necessary.

In hiring the LCSD venues for their events, programme organizers usually prefer selling their tickets through the Urban Ticketing System (URBTIX), taking into account their commercial considerations as well as their promotion and sales strategies. As a ticketing agent, the URBTIX makes ticketing arrangements as instructed by the programme organizers, including the limit on the number of tickets per purchase for individual programmes.

The Government will keep monitoring the situation closely with a view to curbing illegal ticket scalping activities.

- (4) The police will, generally speaking, follow up on reported cases or complaints about ticket scalping and take enforcement actions, including "sting operations", as appropriate to combat illegal ticket scalping activities.

- (6) The LCSD considers that there will be great difficulties in the operation and monitoring of the "real name registration" for the purchase of mega event tickets if introduced. For instance, public views have to be taken into account as the proposed registration system involves sensitive personal data; and the feasibility of such registration in practical circumstances also needs to be considered. Currently, on-line sales only make up a small portion of total ticket sales as against box office sales or manual sales conducted by organizers through priority booking or internal sales. Such being the case, the implementation of "real name registration" will affect the operation of ticketing service provided by ticketing offices and organizers, possibly causing problems such as swarming at the time of admission.

Moreover, it is believed that programme organizers will be reluctant to adopt ticketing by way of "real name registration" in anticipation of possible adverse effects of ticket sales arisen from ticket purchasers' reservations and concerns about such a ticketing mode.

Staff Establishment of VTC and Its Member Institutions

8. **MR IP KIN-YUEN** (in Chinese): *President, quite a number of the teaching staff members of the member institutions (institutions) of the Vocational Training Council (VTC) have expressed the concern that given the continuous decline in the number of secondary school graduates in recent years, the institutions in which they work may reduce manpower due to a decrease in student intake. They have pointed out that as the numbers of teachers to those of students (T/S ratios) of various institutions have dropped continuously in the past few years, any further reduction in manpower will not only increase the workload of the remaining teaching staff, but also affect teaching quality. Regarding the staff establishment of VTC and its institutions, will the Government inform this Council whether it knows:*

Table 4: Youth College

Discipline/ Programme	2009-2010																
	Head of Department		Principal Lecturer		Senior Lecturer		Lecturer		Tutor		Teaching Associate		Research Assistant		Instructor		Number of Students
	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(iii)
Business and Services																	
Engineering																	
Design and Technology																	

- (3) *the respective names of the administrative units newly added to VTC Headquarters and the numbers of posts with pay levels equivalent to those of senior lecturers or above in such units, in each of the past three and the next academic years?*

SECRETARY FOR EDUCATION (in Chinese): President, the Government established VTC in 1982 under the Vocational Training Council Ordinance (Cap. 1130) to promote the development of vocational education in Hong Kong. VTC offers a wide range of full-time and part-time vocational education programmes which lead to formal qualifications from post-Secondary Three up to degree levels.

- (1) The member institutions under VTC share resources in many aspects, and depending on the operational needs, teaching staff may be deployed to different operation units to best utilize their expertise. The School of Business and Information Systems (SBI) and Youth College (YC) were both established in 2004, while the Hong Kong Design Institute (HKDI) was established in 2010. The overall student-to-teacher ratios of VTC's member institutions (including the Hong Kong Institute of Vocational Education, SBI, HKDI, YC, Hospitality Industry Training and Development Centre, Chinese Cuisine Training Institute, Maritime Services Training Institute and Pro-Act Training and Development Centres) in the 2005-2006, 2010-2011 and 2013-2014 academic years are as follows:

<i>Academic year</i>	<i>Student-to-teacher ratio</i>
2005-2006	20.3 : 1
2010-2011	20.5 : 1
2013-2014 (provisional)	19.3 : 1

Note:

- (1) VTC has not kept the student-to-teacher ratio for the 2000-2001 academic year, and relevant information is not yet available for the 2014-2015 academic year.

As shown in the table above, the overall student-to-teacher ratio of VTC's member institutions has remained largely stable.

VTC manages its staff deployment according to the teaching needs of individual disciplines and programmes, and the resources are deployed taking into account various factors as appropriate, such as the demand for student support, work circumstances of teachers, VTC's financial situation, and so on. In addition, VTC has put in place other mechanisms to enhance the support for students. For example, additional staff has been deployed in support of students with special educational needs and the industrial attachment programme, and so on. Therefore, the actual student-to-teacher ratio is higher than the calculations computed solely with reference to the criteria for determining staff establishment. VTC will continue to ensure optimal deployment of resources to provide quality vocational education.

- (2) VTC determines its staff establishment mainly on the basis of the number of students, programme operation, roles and responsibilities of staff, and so on. The starting salaries of various ranks are determined mainly with reference to the requirement and responsibility of the post, market pay level, internal relativities in pay level across VTC's various ranks, financial affordability, and so on.

The facilities in different campuses of VTC are often shared by students of different levels of programmes, and staff may be deployed to different campuses as and when required. The overall numbers of teaching staff, administrative and support staff as well as students at VTC in the past five years are as follows:

<i>Financial year</i>	<i>Number of teaching staff</i>	<i>Number of administrative and support staff</i>	<i>Number of students</i>
2009-2010	2 787	2 874	83 952
2010-2011	2 795	2 804	76 323
2011-2012	2 620	2 765	67 070
2012-2013	2 675	2 810	66 448
2013-2014 (provisional)	2 738	2 937	72 100

Notes:

- (1) The number of students covers programmes at Degree and top-up Degree, Higher Diploma and Diploma, Professional Diploma and Professional Certificate, Foundation Diploma and Yi Jin Diploma (Project Yi Jin), Diploma in Vocational Education, and Certificate levels.
- (2) Relevant information is not yet available for the 2014-2015 financial year.
- (3) VTC regularly reviews its programme provisions and services. Depending on the operational and development needs, VTC may consolidate its administrative units and make appropriate adjustments to the staff establishment, and deploy staff to different administrative units. As such, there is difficulty in defining "administrative units newly added" and providing relevant numbers. For example, the Institutional Advancement Division and International Development Division of VTC were constituted in recent years through reorganization and consolidation of different administrative units, with a view to rationalizing relevant existing services as well as to developing new services.

Presenting Sizes and Prices of Residential Properties on Basis of Saleable Area

9. **MR TONY TSE** (in Chinese): *President, the Residential Properties (First-hand Sales) Ordinance (Cap. 621), which has been fully implemented since 29 April 2013, provides that property sizes and per-square-foot/per-square-metre property prices may only be quoted on the basis of saleable area (SA) in sales brochures, price lists and advertisements of completed and uncompleted first-hand residential properties. In addition, the Estate Agents Authority (EAA)*

issued a practice circular in May 2012, requiring estate agent practitioners to provide their clients of second-hand residential properties with area and price information on SA with effect from 1 January 2013. In reply to the question of a Member of this Council on 23 January 2013, the Secretary for Transport and Housing stated his belief that gradually, the second-hand residential property market would present floor area and price information of properties predominantly in SA only. In this connection, will the Government inform this Council:

- (1) whether it knows the number of cases of contravention of the aforesaid practice circular by estate agents which EAA uncovered since it issued the circular, and the number of relevant complaints EAA received; of the follow-up actions taken by EAA on such cases;*
- (2) whether it has assessed the latest situation of the second-hand residential property market "gradually presenting floor area and price information of properties predominantly in SA only" and when that goal will be reached; if it has assessed, of the outcome; if not, the reasons for that and whether it will conduct such an assessment;*
- (3) whether it will extend the ambit of the requirement that "property sizes and per-square-foot/per-square-metre property prices may only be quoted on the basis of SA" to cover second-hand residential properties, so that there is a uniform requirement in the residential property market; if it will, of the details and implementation timetable; if not, the reasons for that; and*
- (4) whether it has assessed the prospective changes to the significance, role and function of gross floor area (GFA) in the residential property market; if it has assessed, of the outcome and corresponding measures; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, The Government is endeavored to maintain a transparent and open residential property market to protect the interests of the residential property purchasers and vendors.

All along, there was no standardized definition of GFA for residential properties. Prior to the implementation of the Ordinance, a vendor may use the GFA to describe the area of a residential property when selling his first-hand residential property. Generally speaking, the vendor may include the SA, the area of bay windows, and the apportioned share of common areas in calculating the GFA of a residential property. As different vendors might include different common areas of a development project as apportioned to individual units in the calculation of the GFA of a residential unit, it would therefore be difficult for prospective buyers to compare the size and price of a residential property on a uniform basis by relying on the GFA of a residential property.

As regards the area of residential properties, prospective buyers would most likely wish to know the SA of a residential property. To this end, the Government standardized the definition of SA of the first-hand residential properties on 10 October 2008. By way of the Lands Department Consent Scheme (the Consent Scheme) and the guidelines of the Real Estate Developers Association of Hong Kong, the Government required vendors to provide the standardized SA when selling uncompleted first-hand residential properties under the Consent Scheme.

The EAA issued a practice circular in May 2011 requiring estate agents to provide prospective purchasers of first-hand residential properties with information regarding the area of the property and the price per square foot or square metre in SA as contained in the price list(s) supplied by the developer. Also, the EAA issued another practice circular in May 2012 requiring estate agents, with effect from 1 January 2013, to provide clients of the second-hand residential properties with area and price information on SA. Since then, buyers have been able to obtain information about the floor area as well as price per square foot/square metre expressed in terms of SA for both first-hand and second-hand residential properties.

During the legislative process to regulate the sale of first-hand residential properties in 2012, the Government introduced provisions into the Ordinance requiring the vendors selling their first-hand residential properties in their developments situated in Hong Kong to use only SA in expressing the area of their first-hand residential properties and the prices of the properties per square foot or per square metre in sales brochures, price list and advertisement purporting to promote the sale of any first-hand residential properties. The

Ordinance came into full operation on 29 April 2013. It is an offence for the vendors to breach the relevant provisions of the Ordinance.

I hereby set forth our response to the four-part question asked by Mr TSE:

- (1) The EAA has been closely monitoring the implementation of the requirement for estate agents to provide SA for second-hand residential properties. Since 1 January 2013, when the relevant practice circular came into effect, the EAA has, up to 30 April 2014, conducted checks at 1 784 estate agency shops⁽¹⁾. As regards the advertisement in newspapers, magazines and online advertisements, the EAA has also conducted 774 checks. During the period, the EAA discovered 95 non-compliant cases and received 11 complaints. Among the 95 non-compliant cases, 90 of them took place in the first half of 2013 (that is, the early stage after the practice circular came into effect). The relevant estate agency shops had rectified their practice after receiving the EAA's advice. As for the remaining five non-compliant cases that took place after the first half of 2013, one of the cases was found substantiated. The punishment by way of reprimand and a fine of \$1,000 was imposed. Two cases were found not substantiated. Currently, two outstanding cases are still being investigated. Besides, the EAA has completed the investigation of 11 complaints mentioned above, which also took place in the first half of 2013. After receiving the EAA's advice, the relevant estate agency shops had also rectified their practice.

(2), (3) and (4)

Landlords of the second-hand residential properties have long been using the GFA and the SA simultaneously in expressing the area of their properties. As such, it will take more time to promote the use of only SA to express the area and price of a residential property for the second-hand residential property market.

(1) As at 30 April 2014, there were 6 247 estate agency shops.

In fact, after the Ordinance has come into operation, information on the floor area of any first-hand residential properties has been expressed in SA instead of GFA. There will not be any more information on the GFA when these properties are subsequently put up for sale in the second-hand market. Therefore, the number and proportion of residential properties in the second-hand market expressed in SA but not GFA is believed to increase gradually. Besides, SA has become a common benchmark for property buyers to compare the size and price of different second-hand residential properties. With the passage of time, the information of size and price of the majority of residential units in the second-hand market will be expressed in SA only. It is therefore considered not necessary to mandate the use of SA as the only means to express the size and price of second hand residential properties for the time being.

On the other hand, the EAA has required all estate agents to provide second-hand residential property buyers with the property's SA and price information calculated in SA. The EAA considers that the trade has largely followed the relevant practice circular in complying with this requirement. The EAA will review the implementation of the relevant guidelines from time to time.

The Government will continue to work closely with the EAA and the stakeholders, through enforcement and education, to encourage the use of SA as the only standard to express the size and price of second-hand residential properties.

Resource Allocation Mechanism of Hospital Authority

10. **PROF JOSEPH LEE** (in Chinese): *President, regarding the resource allocation mechanism of the Hospital Authority (HA), will the Government inform this Council if it knows:*

- (1) *the criteria currently based on which the HA determines the financial and manpower resources to be allocated to various public hospitals;*

- (2) *whether the HA has based on some criteria in determining the financial and manpower resources allocated to various public hospitals for the provision of nursing services; if so, of the details; if not, the reasons for that;*
- (3) *the estimates of expenditure made by various public hospitals in respect of the provision of nursing services and the respective amounts of funding allocated to them in the past five years, and whether there was any surplus funding; if so, of the approach adopted for dealing with the surplus funding; and*
- (4) *whether the HA has considered establishing an independent funding allocation system for nursing services, so that the respective Cluster General Managers (Nursing) of the various hospital clusters can deploy and use the funding flexibly to assist the hospitals in need and the relevant departments in enhancing their nursing services; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President,

- (1) The HA is responsible for managing the public hospital system and providing quality and affordable public health services to the public. The HA's services are organized through seven clusters according to geographical locations so as to facilitate the integration of services and enhance the continuity of various kinds of services with a view to achieving economy of scale.

The mechanism of resource allocation to individual clusters in the HA originates from its Annual Planning work. The Annual Planning process is a participative approach with bottom-up and top-down contributions from HA staff of various ranks, including the collection of views from front-line clinical staff, cluster management and Head Office executives. Every year, the resource requirements for new services as well as that for specific pressure areas of individual departments at hospital level are submitted for consideration of additional funding through the Annual Planning exercises of respective clusters. All proposed programmes

submitted by clusters, and those from clinical/specialty groups and Head Office, will be deliberated at the Annual Planning Forums where inputs from stakeholders across all clusters will also be considered.

Based on the above Annual Planning process, the HA will formulate its Annual Plan, incorporating all new programmes that are approved for implementation for the year, including territory-wide and specialty-based programmes, as well as cluster/hospital/department-specific initiatives. The HA will also set targets for its Annual Plan for necessary monitoring.

With the Government's notification of the total recurrent funding available to the HA for the year, the HA will determine the resource allocation to clusters (including manpower, equipment, facilities and other operating needs) having regard to the following considerations:

- (i) the resources needed to sustain the baseline operations of respective clusters, including their core primary and secondary services as well as any specialized or centralized services under their management;
- (ii) additional resources required to deliver the new services and priority initiatives that have been supported during the annual planning process ; and
- (iii) any other resources needed to address specific pressure areas/gaps.

Within the agreed parameters and targets set under the Annual Plan, cluster management is responsible for ensuring operational efficiency. They will likewise work out a service plan for its cluster taking into account the baseline operations that need to be maintained, new services to be introduced and pressure areas of its hospitals/departments that need to be enhanced, and make necessary service reorganization and rationalization to deliver the agreed Annual Plan targets while ensuring optimal deployment of resources.

- (2) The mechanism and considerations in formulating resource allocation (including nursing service and manpower distribution) to various clusters have been provided in part (1) of the reply. As regards manpower for nursing services, the HA will evaluate manpower deployment having regard to service needs, modes of nursing care and supply of healthcare personnel. It will also take into account manpower wastage and estimate the nursing manpower requirements according to the workload assessment model.

- (3) and (4)

Resources of each cluster are essentially allocated having regard to the service programmes and targets defined in the process of formulating the Annual Plan, and are allocated to the clusters in the form of a block vote. Moreover, as most HA's services are provided through multi-disciplinary teams, the HA will flexibly deploy manpower according to service needs. The HA has not set up an independent funding allocation system for nursing or other grade of staff.

In the past five years (from 2009-2010 to 2013-2014), the number of nurses in various clusters increased each year, with details set out in the following table:

<i>Clusters</i>	<i>Number of Nurses</i> <i>(full-time equivalent as at 31 March)</i>				
	<i>2009-2010</i>	<i>2010-2011</i>	<i>2011-2012</i>	<i>2012-2013</i>	<i>2013-2014</i>
Hong Kong East	2 049	2 099	2 199	2 348	2 443
Hong Kong West	2 366	2 440	2 498	2 600	2 553
Kowloon Central	2 787	2 784	2 948	3 069	3 175
Kowloon East	2 018	2 096	2 209	2 313	2 474
Kowloon West	4 734	4 731	4 884	5 088	5 337
New Territories East	3 254	3 272	3 388	3 524	3 707
New Territories West	2 619	2 638	2 731	2 834	3 027

Disruptions of Railway Services

11. **MR CHAN CHI-CHUEN** (in Chinese): *President, earlier on, service disruptions of the MTR East Rail Line (EAL) due to failures in the signalling system occurred one after another, and there were also similar service disruptions of the Ma On Shan Line (MOL). Under the existing requirements, the MTR Corporation Limited (MTRCL) is required to notify the Transport Department (TD) within eight minutes of any service disruption incident which has lasted for eight minutes or is expected to last for eight minutes or more. Moreover, according to the service performance arrangement (the Arrangement) under the Fare Adjustment Mechanism (FAM) of MTRCL, a fine will be imposed on MTRCL for any service disruption of 31 minutes or more, and the fines must be used for the provision of fare concessions to passengers. There are comments that despite making a profit as large as \$13.2 billion last year and having frequent service disruptions, MTRCL has still managed to increase its fares by 3.6%, which reveals that there are problems with the existing mechanism. In this connection, will the Government inform this Council:*

- (1) *whether it knows the respective numbers of incidents of disruption in the services of the EAL and MOL in the year ending April 2014, with a breakdown by railway line and duration of service disruption (that is, (i) less than eight minutes, (ii) eight minutes to less than 31 minutes, and (iii) 31 minutes or more); among such incidents, of the respective numbers of those that were caused by (iv) equipment failures; (v) staff's behaviours; (vi) passengers' behaviours and (vii) inclement weather; the amount of fines to be paid by MTRCL for such disruptions;*
- (2) *whether it knows if MTRCL has investigated if the signalling systems of the two aforesaid railway lines are ageing; if the investigation outcome is in the affirmative, whether MTRCL has any plans to replace the entire signalling systems; if so, of the details; if not, the reasons for that;*
- (3) *whether it knows if MTRCL has investigated if the ageing of the train systems and their parts as well as the failures of newly installed parts were involved in the aforesaid incidents; whether MTRCL has plans to replace the relevant systems as well as increase the number of maintenance staff and the frequency of inspections on such systems; if MTRCL has such plans, of the details; if not, the reasons*

for that; whether the authorities will consider requiring MTRCL to allocate a specified percentage of its operating expenditure to repair and maintenance work;

- (4) whether the authorities will take any follow-up action (including imposition of fines on MTRCL) in respect of MTRCL's making public the service disruption incident of the EAL on the 27th of last month only after it had occurred for nearly 20 minutes;*
- (5) whether it knows at present, how many minutes after a railway service has been disrupted will MTRCL provide free shuttle bus services for its passengers; in the year ending April 2014, of the respective numbers of times for which MTRCL provided free shuttle bus services during service disruptions of the two aforesaid railway lines;*
- (6) whether it will revise the existing Arrangement to stipulate the imposition of a fine for any railway service disruption lasting eight minutes or more, and to introduce a penalty arrangement for the progressive reduction of the salaries of MTRCL's management personnel according to the number of service disruptions; and*
- (7) whether it will review afresh the existing FAM of MTRCL to include the number of service disruptions as one of the considerations for the rate of fare adjustment, so as to avoid the situation of MTRCL raising its fares substantially despite frequent occurrence of railway service disruptions?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the operation of a safe, reliable and efficient railway service is paramount to the public transport system in Hong Kong. With respect to train service reliability, the number of incidents of eight minutes or above caused by equipment failure or human factors was 143 in 2013, the lowest since the rail merger in December 2007. The number of incidents in the first quarter of this year was 31, lower than that over the same period of last year (that is, 34). Despite not showing any downward trend in the safety and reliability of the MTR train service in accordance with the overall statistics, the Government considers that, under the service-oriented premise, immediate and in-depth investigation into every train

service incident must be carried out by the MTRCL, followed by improvement measures to prevent future recurrence.

According to the "Service Performance Arrangement" under the new FAM implemented since last year, a fine will be imposed on MTRCL for service disruptions of 31 minutes or above caused by equipment failure or human factors. Proceeds are put into a fare concession account and returned to passengers through the "10% Same Day Second Trip Discount" scheme the following year. "Exemption Events" (that is, events outside MTRCL's control, such as those caused by passengers' behaviours and bad weather) are excluded under the arrangement.

My reply to Mr CHAN Chi-chuen's question is as follows:

- (1) Details of incidents of service disruption of eight minutes or above on MTR EAL and MOL in the year from 1 May 2013 to 30 April 2014 are set out in the table below. To facilitate other public transport operators in deploying their resources to help affected passengers, MTRCL is required to notify the TD within eight minutes on any railway service disruption incident which has lasted for eight minutes or is expected to last for eight minutes or more. The Government considers it reasonable to give MTRCL eight minutes to assess the situation and determine if normal service can be resumed within eight minutes. As for each service disruption of less than eight minutes, MTRCL is not required to notify TD and maintain relevant statistics as the impact of such incidents to railway service is usually relatively milder.

<i>Cause</i>	<i>Duration of disruption</i>			
	<i>8-30 minutes</i>		<i>31 minutes or above</i>	
	<i>EAL</i>	<i>MOL</i>	<i>EAL</i>	<i>MOL</i>
Equipment failure	21	1	3	0
Human factors	3	0	0	0
Passengers' behaviours or external factors (including bad weather) (that is, causes outside MTRCL's control and excluded from the "Service Performance Arrangement")	21	2	3	0
Total	45	3	6	0

Under the "Service Performance Arrangement", MTRCL was fined a total of \$4 million for the three EAL incidents caused by equipment failure as tabulated above.

(2) and (3)

The existing signalling system of EAL was put into service in 1998, with a designed serviceable life of about 20 years. Generally speaking, the system can be used for over 20 years with proper routine repair/maintenance and component upgrade. The EAL signalling system will be upgraded in tandem with the Shatin to Central Link (SCL) project, which is expected to be fully completed in 2020. Currently, the contractor is carrying out the preliminary work, such as design, for the new signalling system under a contract granted in late 2012. As MOL commenced service in 2004, its signalling system is relatively newer, but it will also be modified in tandem with the SCL project to cater for train operation of the connection of MOL from Tai Wai with West Rail Line via East Kowloon, and the switching from the current four-car trains to eight-car trains.

To ensure the high quality of service performance and maintain the good condition of the systems and components for train operation, MTRCL has in place a stringent repair/maintenance regime as well as a proper programme to upgrade and renew assets. On the repair/maintenance aspect, works are carried out by MTRCL in areas including civil engineering structures, railway tracks, signalling systems, power supply systems, overhead lines, passenger trains, and engineering trains, and so on. These works include inspection, repair/maintenance, cleaning, and asset replacement. They are carried out in accordance with an established regular repair/maintenance schedule.

Each year, MTRCL invests over \$5 billion to replace, upgrade and repair/maintain trains, railway assets as well as station facilities, with a view to maintaining a safe and reliable railway service. The amount in 2013 was \$5.6 billion, around half of that year's expenditure on Hong Kong transport operations (around \$8.4 billion) and related capital expenditure (around \$2.7 billion), totalling

\$11.1 billion⁽¹⁾. Additional repair/maintenance staff are recruited by MTRCL from time to time to cater for operational needs, with the number of full-time staff concerned increasing from around 3 700 in 2009 to around 4 000 in 2013.

- (4) In accordance with stipulations, MTRCL is required to notify the TD within eight minutes on any railway service disruption incident which has lasted for eight minutes or is expected to last for eight minutes or more. A train service disruption refers to an incident that leads to stoppage of train at an MTR station or a Light Rail stop, or on a section of a railway line. This notification arrangement enables preparatory work for emergency or support services to be planned and start as soon as possible.

Regarding the EAL incident on 27 April 2014, MTRCL notified the TD within eight minutes as required. Upon receipt of the notification from MTRCL, the Emergency Transport Co-ordination Centre of TD informed other major public transport operators immediately and requested them to monitor closely the needs of passengers and enhance services as necessary while maintaining close contact with MTRCL and the police for carrying out proper crowd management. It is noted that on the day of the incident, MTRCL notified passengers of the EAL incident via station and train announcements.

In accordance with the current notification arrangement between the TD and MTRCL, the Corporation has to notify the TD as well as the media of any railway incident emergency. With regard to the EAL incident, the TD has followed up with MTRCL and requested the Corporation to review the arrangement for notifying the media so that they can obtain information at first instance for release to the public.

- (5) MTRCL has formulated free MTR shuttle bus deployment plans for railway incidents. The number of free MTR shuttle buses and the service level to be deployed during a railway incident will depend on

(1) Excluding the amount MTRCL has to pay the Kowloon-Canton Railway Corporation each year for using the latter's railway assets since the rail merger (some \$2 billion was paid in 2013).

which section of the railway line is involved and the seriousness of the situation. Generally speaking, according to the agreement between MTRCL and the Public Omnibus Operators Association (POOA)⁽²⁾, when free MTR shuttle bus service is needed, the POOA will arrange about seven buses to provide service within 30 to 45 minutes after receiving MTRCL's notification; an additional 40 buses, if required, will be deployed within one to one and a half hours; and about 100 buses in total after two hours. The actual number of buses to be deployed will depend on the extent of impact to train service and road traffic condition. Despite the limited carrying capacity of the free shuttle bus service as a supplementary measure, MTRCL will operate additional shuttle buses or modify the operating details of these bus services having regard to the actual situation so as to minimize the impact of railway service disruptions to passengers.

During the year as at April 2014, MTRCL provided shuttle bus service for EAL service disruptions on seven occasions. As for MOL, there was no service disruption incident leading to the need to provide shuttle bus service.

(6) and (7)

When introducing the arrangement to fine MTRCL for railway service disruption incidents subsequent to the FAM review in 2013, we made it clear to the Legislative Council that disruptions of a shorter duration should not be counted for this purpose in order not to put undue pressure on the front-line staff of MTRCL, causing situation of rushing their repair works to avoid penalty, putting quality or safety at risk.

As regards whether the remuneration of MTRCL's senior management should be reduced in the event of serious service disruptions, the Government has reflected the concerns and views to the Board of MTRCL and requested the Corporation to carefully consider the matter. The Board of MTRCL has followed up on the

(2) POOA is the confederation of non-franchised public bus operators in Hong Kong. At present, around 200 non-franchised operators are members of the POOA, and together forming a fleet of about 5 000 buses which accounts for about 70% of the total non-franchised buses operating in Hong Kong.

matter and decided to include the occurrence of serious service disruptions as a consideration in the payment of performance-based remuneration to the Corporation's senior management staff in future.

The FAM of MTRCL is subject to review every five years. The last review was due in 2013 and it was completed in April that year. As the new FAM has just become effective since last year, we will take into account the experience accumulated and review in a timely manner.

Prevention of Bacterial Infection of Patients in Public Hospitals

12. **MR ALBERT HO** (in Chinese): *President, it is reported that there has been an upward trend in the number of cases of patients being infected in public hospitals with antibiotic-resistant bacteria (including extended-spectrum beta-lactamase-producing organisms, carbapenem-resistant Acinetobacter baumannii and methicillin-resistant Staphylococcus aureus (MRSA)) in recent years. In this connection, will the Government inform this Council if it knows:*

- (1) *a breakdown by hospital cluster of the number of cases of patients being infected in public hospitals with any of the aforesaid three bacteria in the past three years;*
- (2) *whether the Hospital Authority (HA) has studied the reasons for the increase in the number of the aforesaid infection cases; if it has, of the results; if not, the reasons for that; and*
- (3) *whether HA has formulated new measures to prevent bacterial infection of patients in public hospitals; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President,

- (1) Extended-spectrum beta-lactamase-producing Enterobacteriaceae (ESBL), MRSA and Carbapenem-resistant Acinetobacter species (CRA) are the more common antibiotic-resistant bacteria causing epidemic diseases in Hong Kong. The following table sets out the

preliminary yearly figures in respect of the situation of patients detected with these bacteria in public hospitals in the past three years:

<i>Types of bacteria</i>	<i>Yearly figures</i>					
	<i>2011</i>		<i>2012</i>		<i>2013</i>	
	<i>Total number of cases</i>	<i>Per 1 000 patient days</i>	<i>Total number of cases</i>	<i>Per 1 000 patient days</i>	<i>Total number of cases</i>	<i>Per 1 000 patient days</i>
MRSA	7 551	1.056	8 315	1.132	9 013	1.219
ESBL	13 070	1.828	14 224	1.937	14 272	1.931
CRA	1 786	0.250	2 181	0.297	2 761	0.373

Notes:

- (1) The above table sets out the preliminary yearly figures in respect of the situation of patients carrying the bacteria in public hospitals. The expert group of the HA is still working on the standardization of testing methodology in laboratories and data collection and analysis. As some cases involve carriers only, the amount of antibiotic-resistant bacteria isolated should not be used to represent the infected cases.
- (2) It is probable that some cases of antibiotic-resistant bacteria (for example, ESBL and MRSA) are incubated or infected in the community. The above figures may not represent the number of patients who acquires the antibiotic-resistant organism during hospitalization.

(2) and (3)

Public hospitals are facing challenges in controlling infection caused by antibiotic-resistant bacteria. Apart from the risks of cases imported from outside Hong Kong and the local community which will have a bearing on the number of infected cases, hospitals also face the problem of high occupancy rate and congested hospital wards. All these situations pose difficulties in the control of antibiotic-resistant bacteria.

Nevertheless, HA has all along been adopting the strategy of "early detection, early isolation" in controlling the bacteria and it endeavours to enhance hand hygiene and patients' personal hygiene as well as environmental hygiene. Specific measures include the implementation of a plan to screen patients upon admission to

hospitals. If the patient has been hospitalized outside Hong Kong within the past six months, the hospital will conduct Vancomycin-Resistant Enterococcus (VRE) and CRA screening upon hospital admission. To further strengthen the control of antibiotic-resistant bacteria, HA has put in place the following measures in 2013 and 2014:

- (i) Introducing the Matrix-Assisted Laser Desorption/Ionization Time of Flight Mass Spectrometry (MALDITOF-MS) as a new method of bacteria identification to shorten the testing time from three to four days to one to two days and enable segregation of carriers as early as possible. At the same time, Polymerized Chain Reaction (PCR) is used as a rapid test for high-risk groups to allow the issue of test reports on the same day;
- (ii) Enhancing the compliance of healthcare staff and advocating personal hygiene of patients, for example, cleaning hands before taking drugs and meal and after using the toilet. Hospitals provide patients with 2% Chlorhexidine Gluconate (CHG) shower gels to reduce the amount of bacteria on patients' skin with a view to lowering the risk of bacteraemia (infection of the blood) caused by antibiotic-resistant bacteria as well as the risk of cross-transmission; and
- (iii) Implementing measures to prevent the environment from becoming a reservoir for transmission of antibiotic-resistant bacteria by, for example, enhancing the cleaning and disinfection of VRE patients' immediate environment to at least twice a day and using Hydrogen Peroxide Vapour (HPV) for terminal disinfection of room or disinfection of non-critical medical equipment so as to reduce the risk of cross-transmission.

The HA will stay vigilant to review the effectiveness of various measures in controlling bacteria and introduce measures as appropriate in order to ensure the safety of patients.

Statistics on Owner-occupier Households

13. **MS CYD HO** (in Chinese): *President, regarding the statistics on owner-occupier households at year-end in each of the past 10 years, will the Government inform this Council:*

- (1) *of the respective numbers of owner-occupier households in public and private housing; and*
- (2) *among the owner-occupier households in private housing, of the respective numbers of those who (i) did not own any other residential unit, (ii) owned another residential unit, and (iii) owned two or more other residential units?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, In consultation with the Census and Statistics Department (C&SD) and the Inland Revenue Department (IRD), my replies to Ms Cyd HO's questions are set out below:

- (1) Based on the statistics of the C&SD's General Household Survey, the number of owner-occupiers of public and private housing in the past 10 years is set out below:

<i>As at the 4th quarter of the year</i>										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Owner-occupiers of public housing ⁽¹⁾	348 900	354 400	355 100	367 800	366 000	370 300	364 000	375 900	366 900	363 900
Owner-occupiers of private housing ⁽²⁾	823 600	817 500	840 500	838 700	857 000	857 400	868 700	880 000	871 500	871 500

Notes:

- (1) Owner-occupiers of public housing refer to domestic households owning the quarters they occupy, including subsidized sale flats sold under the Home Ownership Scheme (HOS); Private Sector Participation Scheme; Middle Income Housing Scheme; Buy or Rent Option Scheme; Mortgage Subsidy Scheme and Tenants Purchase Scheme of the Hong Kong Housing Authority; as well as subsidized sale flats sold under the Flat-For-Sale Scheme and Sandwich Class Housing Scheme of the Hong Kong Housing Society (HKHS). Figures exclude those flats that can be traded in the open market (that is, flats sold prior to HOS Phase 3B or flats with premium paid). Figures are rounded to the nearest hundred.

- (2) Owner-occupiers of private housing refer to domestic households owning the quarters they occupy, including private housing blocks; flats built under the then Urban Improvement Scheme of the HKHS which are for sale in the open market; villas/bungalows/modern village houses; simple stone structures; quarters in non-residential buildings and private temporary housing. Subsidized sale flats that can be traded in the open market (that is, flats sold prior to HOS Phase 3B or flats with premium paid) are also included in this category. Figures are rounded to the nearest hundred.
- (2) Based on the statistics of the IRD on stamping applications, the information on individual residential property buyers who are holders of Hong Kong identity card and who own other property(ies) in Hong Kong as at the date of the relevant agreements for sale and purchase is set out below:

<i>Year</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014 (as at March 2014)</i>
Number of cases where the relevant buyers do not own any other property in Hong Kong at the time of transaction	39 634	44 074	33 609	7 846
Number of cases where the relevant buyers are in possession of other property(ies) in Hong Kong at the time of transaction	34 825	30 604	19 979	3 540

The IRD only maintains the above statistics starting from 2011. The IRD does not have further breakdown in accordance with the nature and the number of the other property(ies) owned by the relevant buyers at the time of transaction, nor does the IRD have statistics about agreements for sale and purchase for residential properties involving individual buyers who are not holders of a Hong Kong identity card.

Segregation of Local and Imported Live Chickens

14. **DR HELENA WONG** (in Chinese): *President, to prevent and control human infections of avian influenza A (H7N9), the authorities conduct tests at the Man Kam To Animal Inspection Station for H7 avian influenza on samples taken from imported live chickens, and allow these live chickens to be delivered to the*

Cheung Sha Wan Temporary Wholesale Poultry Market (the Wholesale Market) while awaiting the test results. In January this year, avian influenza viruses were found in the samples from a batch of imported live chickens. As a result, the authorities culled more than 20 000 local and imported live chickens in the Wholesale Market and closed it for 21 days. On 29 January, the Panel on Food Safety and Environmental Hygiene of this Council passed a motion urging the Administration to expeditiously propose plans to improve the live chicken supply system, and immediately study the segregation of local-farm live chickens for independent conveyance to markets. When the trading of live chickens was resumed on 19 February, the Government decided to suspend the import of live chickens for around four months, and focus on studying measures in preparation for the resumption of the import of live chickens from the Mainland, so that in case avian influenza viruses are found in the samples from imported live chickens and the Wholesale Market has to be closed, supply of local live chickens to the market can continue by delivering them to the retail outlets via the proposed check-point at the government farm in Ta Kwu Ling. In this connection, will the Government inform this Council:

- (1) given that the Secretary for Food and Health has indicated that Fu Tei Au would be considered as the site for keeping imported live chickens temporarily but it would take time to conduct the relevant studies, whether the authorities are still considering that site; if so, of the details; if not, the reasons for that;*
- (2) whether, before a site for keeping imported live chickens temporarily has been identified, it will maintain the suspension of the import of live chickens from the Mainland, so as to avoid the situation where the supply of local live chickens to the market is affected by avian influenza viruses being found again in the samples from imported live chickens; and*
- (3) whether it has formulated any measure to deal with, before the segregation of local and imported live chickens, the situation where avian influenza viruses are found again in the samples from live chickens; if it has, whether it will implement again the relevant measures taken in January (including culling all live chickens in the Wholesale Market and offering compensation to affected members of the trade); if it will, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, over the past decade or so, the Government, the local live poultry trade, Mainland inspection and quarantine authorities and the Mainland farms supplying live poultry to Hong Kong have collaboratively built up a stringent system for the surveillance and control of avian influenza (AI), for the purpose of reducing the AI risks in Hong Kong. All live poultry supplied to retail outlets in Hong Kong, whether locally reared or imported, are subject to stringent inspection and quarantine procedures. Animal health certificates would be issued only if the test results are satisfactory. Prior to leaving the farm, poultry ready for sale are put under quarantine for five days and are required to pass the Polymerase Chain Reaction and serology tests for AI to show that they have a sufficient level of H5 antibodies and are not carrying any AI virus (including H5 and H7 subtypes) or having any AI clinical symptoms. In other words, before their delivery to Hong Kong, imported live poultry have passed the tests conducted by relevant Mainland inspection and quarantine authorities with satisfactory results and are issued with animal health certificates. After the live poultry have entered Hong Kong, the Centre for Food Safety of the Food and Environmental Hygiene Department will collect swabs and blood samples from them at the Man Kam To Animal Inspection Station and the samples would be sent to the Veterinary Laboratory of the Agriculture, Fisheries and Conservation Department for testing. The testing system is designed to provide an additional safeguard to reduce the risk of infected poultry entering our retail markets.

Currently, there is only one wholesale poultry market in Hong Kong (that is, the Wholesale Market). After samples have been taken at the Man Kam To Animal Inspection Station, the imported live poultry will be delivered direct to the wholesale poultry market pending test results. They will be released to retail outlets only after the test results are confirmed to be satisfactory. This arrangement has been working well over the past decade or so as a gatekeeper protecting public health and animal health in Hong Kong. Through the system in place, we detected positive H7 AI samples in imported live poultry on 27 January this year, which has helped effectively reduce the risk of infected poultry entering the retail markets.

In the light of the above AI incident, many Hong Kong people, Legislative Council Members and stakeholders in the poultry trade have suggested to the Government that we should consider segregating imported live poultry from local ones and hold them at a suitable location until AI test results are available before they are allowed to be delivered to the wholesale poultry market. In such a way,

the impact on the continued supply of live poultry could be minimized if contingency measures are to be taken in the event of an AI incident to prevent the spread of AI.

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

- (1) Members of the public and the live poultry trade have suggested that the Government should segregate imported live poultry from local ones and hold them at a suitable location until AI test results are available before they are allowed to be delivered to the wholesale market. In response to the suggestion, the Government has been actively looking for appropriate sites (including Fu Tei Au and other sites) for the temporary holding of imported live poultry. In the course of the site search, the Government has to take into account factors including the planning and use of the sites, the infrastructure required for the temporary holding of live poultry, the impact of this arrangement on the neighbouring environment and community (including the presence of any chicken farms in the vicinity), and the lead time required for preparation. According to the estimate by the relevant works department, it would take at least 15 months to set up the proposed facilities after an appropriate site had been identified. The site search as well as the setting up of the requisite facilities would take time. To facilitate the early resumption of live poultry import from the Mainland while keeping the AI risk under control, the Government has to consider other practicable alternatives that would meet the public demand for live poultry and reduce the impact on the live poultry trade. Having evaluated various options, the Government is now focusing on the option of establishing a check-point for local live chickens at the government farm in Ta Kwu Ling.
- (2) As mentioned above, we estimate that a lead time of at least 15 months will be required to set up the segregation facilities. Should we keep suspending the import of live poultry, the adverse impact on the supply of poultry would persist. It would fall short of meeting public demand for live poultry and affect the livelihood of those in the live poultry trade. As such, the Government has to consider other alternatives to facilitate the early resumption of live poultry import from the Mainland while keeping the AI risk under control.

- (3) When the import of live poultry from the Mainland resumes, we will keep the existing arrangement of allowing delivery of imported live poultry already tested in the Mainland (thus bearing official animal health certificates) to the wholesale market, pending the results of tests conducted in Hong Kong. In the event of an AI incident, appropriate measures will be implemented according to our established contingency plan to contain the AI risk, including culling of the potentially infected poultry and closure of the wholesale poultry market. In future, during the closure of the wholesale poultry market, and subject to confirmation that local poultry have not been affected by AI, local poultry may be delivered to retail outlets via the check-point at the government farm in Ta Kwu Ling. This would help maintain the supply of local live poultry to the market. The main objective of the above measure is to ensure the continued supply of live poultry in Hong Kong as far as possible and reduce the possible impact on the trade in case of an AI incident.

In the event of an AI incident which involves the culling of poultry, the Government will make compensation according to the existing legislation. When the Government rolled out the buyout scheme for the live poultry trade in 2008, we had made clear to the Legislative Council and the trade that those operators who chose to stay in the live poultry trade had to bear the risks of any adverse impact on the operation of poultry business that may rise from further AI incidents.

As the AI incident on 27 January came at a time when market demand for and the price of live poultry peaked in the immediate run-up to the Lunar New Year, it had dealt a particularly severe blow to live poultry operators. In view of this, the Government granted one-off ex gratia payments (EGPs) to the live poultry trade. As there was a special case for granting the EGPs, this cannot be treated as a precedent. In case of similar incidents (such as the suspension of import of live poultry from the Mainland since 19 February 2014) in the future, the Government will assess and consider them on a case-by-case basis.

Handling Security Loopholes of Data Encryption Technology

15. **DR ELIZABETH QUAT** (in Chinese): *President, network systems generally use the prevalent Secure Sockets Layer (SSL) network security protocol to encrypt network communications in order to protect the confidentiality and integrity of data during transmission. OpenSSL Project is an open-source toolkit for the implementation of the SSL network security protocol, and the toolkit can be used to produce digital certificates (e-Certs). The official website of OpenSSL announced on 7 April 2014 that a security loophole known as "Heartbleed" was found in version 1.0.1 of OpenSSL. Some network security experts have pointed out that e-Certs produced by servers installed with version 1.0.1 of OpenSSL are susceptible to attacks or hacks, which may result in usernames, passwords or other sensitive information being stolen and may hence cause global network disasters. In addition, the Financial Secretary proposed the initiative of "considering the provision of digital identity to all Hong Kong citizens in order to develop a common, shared and safe platform" in the 2014-2015 Budget. Some members from the information technology sector opine that when implementing the relevant policies, the authorities should ensure that the security loopholes of the encryption technology concerned have been plugged. In this connection, will the Government inform this Council:*

- (1) *whether it has investigated if the aforesaid security loophole has caused any data leakage from the Government's servers; if there was data leakage, whether it has taken effective remedial measures;*
- (2) *as it has been learnt that after the aforesaid security loophole was made public, a number of SSL technology service providers in the United States have been busily implementing the relevant remedial measures for their local clients, and a majority of such service providers do not have an office in Hong Kong, whether it has tried to find out if these service providers have given sufficient support to their clients in Hong Kong; whether it has requested these service providers to take the initiative to provide relevant information and assistance to their clients in Hong Kong;*
- (3) *whether it has set up a dedicated task force to handle and follow up the problems caused by the aforesaid security loophole, and proactively informed and offered assistance to the business sector and small and medium enterprises; if it has, of the specific arrangements; if not, the reasons for that;*

- (4) *whether it has estimated the amount of economic loss brought about by the aforesaid security loophole to Hong Kong; if it has, of the details;*
- (5) *given that OpenSSL encryption technology can be used to produce e-Certs, whether it has tried to find out if, apart from Hong Kong Post Certification Authority, the service providers issuing e-Certs for local use have provided solutions in respect of the aforesaid security loophole, and the jurisdictions in which such service providers are located; and*
- (6) *what specific measures it will draw up to plug the security loophole of the encryption technology concerned and further enhance network security, so as to encourage the use of e-Certs by the public and the business sector?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the Government attaches great importance to information security. We follow international standards on information security management systems and adopt advanced information security technologies to protect government networks, application systems and e-Government services. The Government has well-established information security management framework and procedures in place to deal with matters related to information security, including issues arising from this OpenSSL vulnerability. Regarding the six parts of the question, the Administration's reply is as follows:

- (1) Following the existing mechanism, government bureaux and departments (B/Ds) have immediately taken effective security measures after knowing the security risk of OpenSSL, including installing patches, arranging the renewal of e-Certs and cryptographic keys, and reminding users to change their passwords when necessary. All affected government systems have completed rectification within a short time. We have not received any data leakage reports due to the vulnerability.
- (2) Generally speaking, customers can obtain system-related information and support through their service providers. According to online information, major system vendors adopting OpenSSL software,

such as Dell, Cisco Systems, Hewlett-Packard, Microsoft, IBM, Juniper Networks, RedHat, VMWare, and so on, have proactively provided relevant information or patches to their customers worldwide through websites or emails. Customers in Hong Kong can obtain relevant information and support through their local distributors, agents or business partners. Besides, the Office of the Government Chief Information Officer (OGCIO) has immediately published a security notice on the InfoSec website <www.infosec.gov.hk> and disseminated related information via "GovHK Notifications" to the subscribers who have registered for receiving such messages. The Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) and the Hong Kong Police Force (HKPF) have also notified relevant stakeholders by emails of this vulnerability, its impacts and responsive measures. Since local customers should have already obtained relevant information and necessary support for this vulnerability through various channels, there is no need for the Government to raise specific requests to individual service providers.

- (3) According to the Government's established procedures, OGCIO, HKCERT and HKPF join hands to handle all matters related to information security within the Government and in the community. To keep B/Ds apprised of impending security threats and enable them to take prompt preventive measures, OGCIO issues security alerts and reminders to request B/Ds to take appropriate follow-up actions when necessary. The problem arising from this vulnerability and the associated remedial work were swiftly and properly dealt with through the procedures.

For the business sector and the general public, HKCERT has published related security bulletins and security blogs on its website. HKCERT has also notified relevant stakeholders, including Internet service providers, of this vulnerability, as well as the detection methods and responsive measures through emails. Upon receiving enquiries or incident reports, HKCERT will provide advice and support on IT security matters to those seeking help, and assist them in fixing the vulnerability and protecting them against computer security threats.

- (4) Since the Government, HKCERT and systems vendors have timely disseminated relevant information of the vulnerability and provided support to the community through various channels, the concerned organizations should be able to solve the problem if they have taken immediate actions to fix the vulnerability. So far, HKCERT and relevant B/Ds have not received any reports or requests for assistance on information or financial loss due to the vulnerability. We do not expect the vulnerability to have a significant impact on our economy.
- (5) This incident originates from a vulnerability in the OpenSSL software, which has already been fixed. The e-Certs issued by a number of overseas and local e-Cert service providers also make use of this software. We understand that these service providers are assisting users to replace their e-Certs so as to prevent any possible data leakage arising from the OpenSSL vulnerability.
- (6) The prevailing e-Cert encryption technology is safe and secure. As best practice, the two recognized certification authorities in Hong Kong regularly review the settings of their systems to ensure security and reliability of the e-Certs they issue. The Government attaches great importance to information security. OGCIO will continue to collaborate with HKCERT to raise the awareness and knowledge of information security, and organize promotional activities to publicize and promote the importance of protecting computer systems and ensuring network security, and the secure use of e-Certs and online services among the general public and business sector.

Eligibility Criteria for Applying for Various Assistance Schemes for People with Low Income or Financial Difficulties

16. **MR TANG KA-PIU** (in Chinese): *President, at present, government departments and the Community Care Fund (CCF) administer various assistance schemes for people with low income or economic difficulties (assistance schemes), but the income limits for applying for such schemes are different, and there is no standardized review mechanism. In this connection, will the Government inform this Council:*

- (1) *of the respective income limits for three-person and four-person households applying for the assistance schemes listed in the table below, and the respective numbers of applications received from three-person and four-person households with underage members under such schemes last year (set out in the table below);*

<i>Assistance scheme</i>	<i>Income limit for three-person households</i>	<i>Number of applications from three-person households with underage members</i>	<i>Income limit for four-person households</i>	<i>Number of applications from four-person households with underage members</i>
<i>Full grant under the Student Financial Assistance Schemes for primary and secondary students</i>				
<i>Public rental housing (PRH)</i>				
<i>Comprehensive Social Security Assistance (CSSA) Scheme</i>				
<i>Work Incentive Transport Subsidy Scheme</i>				
<i>Samaritan Fund (SF)</i>				
<i>"One-off Living Subsidy for Low-income Households Not Living in Public Housing and Not Receiving CSSA" under CCF</i>				
<i>Waiving Mechanism of Public Hospitals</i>				

- (2) *of the respective monthly income of two-person to six-person households on the official Poverty Line as calculated on the basis of the latest statistics on household income;*
- (3) *whether the government departments concerned took into account the official Poverty Line and the Statutory Minimum Wage (SMW) rate during their last reviews of the income limits for applying for the assistance schemes set out in part (1); if so, how these two*

factors affected the income limits concerned, including their respective weightings in the relevant considerations;

- (4) *whether the government departments concerned consulted the related Policy Bureaux during their last reviews of the eligibility criteria for applying for the assistance schemes set out in part (1); whether the authorities have put in place a set of standardized internal guidelines for reference by various departments in conducting such reviews; if they have not, how the authorities ensure that the eligibility criteria for applying for different assistance schemes will not differ greatly, and whether they will consider drawing up such guidelines and stating clearly in the guidelines that the income limits for applying for different assistance schemes should not be set lower than the levels of SMW rate and the official Poverty Line; and*
- (5) *given that the Chief Executive has indicated in the 2014 Policy Address that the Government will commission a consultancy study to examine the feasibility of providing a more user-friendly one-stop service for applying for different welfare schemes, of the current progress of such consultancy study, and the expected time for implementing the measures concerned?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to Mr TANG Ka-piu's question is as follows:

- (1) Regarding the assistance schemes in question, the requested income limits and number of applications last year are:

Assistance scheme		Income limit for three-person households	Number of applications from three-person households with underage members	Income limit for four-person households	Number of applications from four-person households with underage members
Financial assistance schemes for primary and secondary students	Full grant	\$12,672 per month on average ⁽¹⁾	31 562 ⁽²⁾	\$14,573 per month on average	42 635 ⁽²⁾
	Half grant	\$20,240 per month on average ⁽¹⁾	18 361 ⁽²⁾	\$25,301 per month on average	36 329 ⁽²⁾

<i>Assistance scheme</i>	<i>Income limit for three-person households</i>	<i>Number of applications from three-person households with underage members</i>	<i>Income limit for four-person households</i>	<i>Number of applications from four-person households with underage members</i>
PRH	\$18,310 ⁽³⁾	Requested figures unavailable ⁽⁴⁾	\$22,140 ⁽³⁾	Requested figures unavailable ⁽⁴⁾
CSSA Scheme	\$10,450 ⁽⁵⁾	18 409 ⁽⁶⁾	\$12,438 ⁽⁵⁾	9 357 ⁽⁶⁾
Work Incentive Transport Subsidy Scheme	\$15,300 ⁽⁷⁾	9 017 ⁽⁸⁾	\$17,100 ⁽⁷⁾	9 149 ⁽⁸⁾
SF	Drug: Please see footnote ⁽⁹⁾ Non-drug items: \$23,900 ⁽¹⁰⁾	Requested figures unavailable ⁽¹¹⁾	Drug: Please see footnote ⁽⁹⁾ Non-drug items: \$30,700 ⁽¹⁰⁾	Requested figures unavailable ⁽¹¹⁾
"One-off Living Subsidy for Low-income Households Not Living in Public Housing and Not Receiving CSSA" under CCF	\$18,310	5 027 ⁽¹²⁾	\$22,140	3 473 ⁽¹²⁾
Waiving Mechanism of Public Hospitals	\$17,925 ⁽¹³⁾	Requested figures unavailable ⁽¹¹⁾	\$23,025 ⁽¹³⁾	Requested figures unavailable ⁽¹¹⁾

Notes:

- (1) All income limit figures are for the 2012-2013 school year. The income ceilings for three-member families as listed in the table above refer to the average monthly incomes of three-member families in general. For three-member single-parent families, they are treated as if they were four-member families and the income ceiling for full grant for three-member single-parent families is the same as four-member families (that is, \$14,573 per month on average). Similarly, the income ceiling for half grant for three-member single-parent families is the same as four-member families (that is, \$25,301 per month on average).
- (2) The figures provided in the table above refer to the number of families benefiting from the schemes rather than the number of applications in the 2012-2013 school year.
- (3) All income limit figures are for 2013-2014.
- (4) There is no breakdown on the age of individual family members in PRH applications.

- (5) To be eligible for CSSA, the applicant must pass both the income and asset tests. For income test, the applicant and his/her family will be eligible for CSSA if their total assessable monthly household income is insufficient to meet their total monthly recognized needs under the Scheme. The figures in the table refer to the latest average monthly CSSA payment for respective household sizes with no other income. Specifically, this can be considered as the recognized needs under the CSSA Scheme.
- (6) The figures refer to the number of families benefiting from the Scheme as at end of December 2013.
- (7) This refers to the monthly income limit applicable to the claim months from January 2013 to January 2014.
- (8) This refers to the number of applications received in 2013.
- (9) For drug subsidies of SF, the amount of subsidy is determined by the patients' "annual disposable financial resources (ADFR)". The household income of the patients and their household members is one of the factors used in the calculation of ADFR. The types of self-financed drugs used and their costs vary among patients, and the SF does not set income limits on applications for drug subsidies. So long as the applicants' annual maximum contribution payable for drug expenses (calculated based on ADFR according to a sliding scale) is lower than the estimated drug cost, SF will provide subsidies.
- (10) For non-drug subsidies, the monthly household income of the patient is one of the assessment criteria for applications for subsidy. If household income of the patient is below the Median Monthly Domestic Household Income (\$23,900 and \$30,700 for three-person household and four-person household respectively at 4th quarter 2013) and the assets of the household does not exceed three times of the medical item cost, he/she would receive assistance from the SF. Moreover, SF would consider applications with overriding social grounds on a discretionary basis.
- (11) Since whether the applicants' families have underage members is not a factor of consideration in financial assessment, the requested figures are not available.
- (12) The application period runs from 2 December 2013 to 29 August 2014. This is the number of households benefiting from the programme which have been processed as at 9 May 2014.
- (13) For medical fee waiving mechanism of public hospitals, the monthly household income of the patient is one of the factors for considering medical fee waiver applications. If the patient's monthly household income does not exceed 75% of the Median Monthly Domestic Household Income applicable to the patient's household size (\$17,925 and \$23,025 for three-person household and four-person household respectively at 4th quarter 2013), and the value of the patient's household asset is within a certain limit applicable to their household size, he/she would receive medical fee waiver. Moreover, patients who do not meet these criteria could provide other non-financial factors for the consideration of Medical Social Workers or Social Workers of Social Welfare Department.
- (2) The poverty line is set at 50% of the median monthly household income before policy intervention and is released on an annual basis. The latest available figures refer to the 2012 situation. The poverty line for 2012 in accordance with household size (two-person to six-person-and-above households) is as follows:

2-person households	\$7,700
3-person households	\$11,500

4-person households	\$14,300
5-person households	\$14,800
6-person+ households	\$15,800

(3) and (4)

The poverty line is not the "poverty alleviation line". Its major functions are:

- (i) to gauge the poverty situation: quantify the poverty situation in Hong Kong, with focused analysis of the various groups of people living below the "poverty line" and thorough investigation of the features and causes of poverty;
- (ii) to facilitate policy formulation: serve as a guiding reference for government policy formulation so as to optimize the use of limited resources and put in place a more appropriate and effective poverty alleviation policy; and
- (iii) to review policy effectiveness: enable quantitative assessment of the effectiveness of policy interventions.

SMW aims at providing a wage floor to forestall excessively low wages, without unduly jeopardizing Hong Kong's labour market flexibility, economic growth and competitiveness or causing significant adverse impact on the employment opportunities of vulnerable workers.

Both the poverty line and SMW were not set to determine individual assistance scheme's eligibility. Depending on the different policy objectives of individual schemes, relevant government departments might consider different factors in reviewing the income limits of the schemes concerned.

- (5) The Efficiency Unit has awarded the contract to an external consultant for undertaking the study on a centralized approach for administering social benefits schemes in early May 2014. Fact-finding work is in progress. The consultancy study is expected to be completed within 2014.

PRESIDENT (in Cantonese): Members, before the Council goes into Committee and continues the consideration of the Appropriation Bill 2014, I need to brief you all on how I am going to deal with the rest of the proceedings on the Bill.

Under Article 73(2) of the Basic Law, the Legislative Council examines and approves budgets introduced by the Government. I fully respect Members' initiative to propose amendments to an appropriation bill and conduct a debate in exercising such power and function.

Since the Council went into Committee on 30 April to consider the Bill, more than 63 hours of debate has been conducted as of today. However, only two out of the eight joint debates have been finished, and the third joint debate has been going on for about 11 hours and has yet to finish.

About 25 hours after the commencement of the second joint debate, I met with Members from different parties and groupings separately, including those proposing the largest numbers of amendments, to hear their views on the amount of speaking time they needed for each debate. Other than Mr LEUNG Kwok-hung, who could not tell how much more time he would need to speak further, the messages from other Members had led me to believe that all the proceedings on the Bill could be completed by the end of May.

Hence, I said openly that I would allow Members to speak on and debate the Bill as far as possible, and I estimated that all the proceedings on the Bill could be completed by the end of May. Nevertheless, two conditions are needed to achieve the goal: first, Members' co-operation is needed to ensure adequate meeting time; second, no Member will intentionally seek to prolong the debates interminably.

All along, I paid close attention to the progress of the debates. After meeting with the Members, I found that the number of Members' requests for quorum calls had kept rising. A quarter of the Committee's time went to the ringing of the summoning bell, and the requests for quorum calls were mainly made by three Members. Members, making continuous requests for quorum calls is not an effective way of using the meeting time for the debates, and it will only prolong the procedures for considering the Bill. In the past debates of the Committee, the three Members spoke for a total of 161 times, and I pointed out repetitive or irrelevant arguments in their speeches for at least 47 times.

As it unfolded last week, no improvement was made as regards the requests for quorum calls. Given the current progress of the debates, it cannot be estimated as to how much time is needed to conclude the debates; and it is difficult to extend the meeting time substantially in practice. Coupled with a Member's avowed intention to filibuster, I consider that if the debates are to be conducted freely, it will be impossible to complete all the proceedings on the Bill by the end of May.

Members, the protracted debate on the Bill until now has caused serious disruption to other Council business. As long as the proceedings on the Bill remain unfinished, Members will not be able to raise oral questions to public officers at Council meetings. As of today, 11 Members' motions on the Agenda are pending; the legislative procedures for several legislative items, which may have the backing of this Council and the public alike, are held up. If this Council is not back on track the soonest possible, it is likely that all the outstanding business will remain not dealt with by the end of the last meeting for this Legislative Session. In addition, numerous committee meetings will have to be rescheduled or postponed.

As President, I have the constitutional power and function under Article 72(1) of the Basic Law to preside over meetings and exercise appropriate powers, including that for the orderly, fair and proper conduct of meetings, as well as that of ending a debate and putting a motion to vote when appropriate.

I have time and again told the Committee on Rules of Procedure (CRoP) of our need for the provisions in the Rules of Procedure to deal with filibusters. I have suggested different options, including setting a time limit for Committee stage debates. Although relevant matters were enthusiastically discussed in the CRoP, regrettably Members could not reach a consensus yet. Before such consensus is reached, and to avoid further disruption to Council business, I decide to exercise the power to preside over meetings as vested in me under Article 72(1) of the Basic Law, and invoke Rule 92 of the Rules of Procedure to set a timetable for the completion of the rest of the proceedings on the Bill.

I will allow the ongoing third joint debate to continue for no more than two hours. The fourth to sixth joint debates will last for no more than 24 hours in total, so there will be roughly eight hours for each debate. It is estimated that the amendments will be put to vote one by one from the evening of 23 May

onward. After that, the Council will deal with the rest of the proceedings, including the joint debates and voting on the question that the 69 sums for heads stand part of the schedule and on the question that clauses 1 and 2 stand part of the bill, as well as Third Reading. I expect all the proceedings to be completed on the first day of the Council meeting on 4 June.

I hold that setting a time limit for debates does not deprive Members of the right to monitor the work of the Government. As long as Members use their speaking time wisely instead of seeking to protract the meeting intentionally, they will be able to fully air their views within the specific time. On the contrary, allowing a debate to be protracted without any time limit will definitely deprive Members of opportunities to monitor the Government by various effective means.

When making the above decision, I have struck a balance among all relevant factors, including the right of Members to participate in the legislative process, the smooth conduct of Council meetings and the proper functioning of this law-making institution.

I will provide a written ruling on my decision later on. I will also ask the Secretariat to provide a written memorandum to Members on the meeting arrangements for the coming three weeks.

That is the decision I have made concerning the rest of the proceedings on the Bill.

MR FREDERICK FUNG (in Cantonese): President, a point of order. President, our existing approach to deliberation is that the motion proposer may speak for 15 minutes, whereas those proposing amendments may speak for seven minutes. That is how you limit our speaking time all along. As to bills, there is no limit on the number of times of speaking, meaning that Members may speak repeatedly. President, you may actually exercise your power. As you put it just now, some Members made repetitive arguments in their speeches for some 40 times, and you could stop them. If their arguments are not repetitive, meaning that they have new points to make, why do you limit the time for the debates, instead of stopping them only when repetitive arguments are heard? When the time for debate is limited, they may miss out the opportunity to make arguments that are not repetitive.

PRESIDENT (in Cantonese): As I said in my speech earlier, Members can actually avoid making repetitive arguments and spell out all the points they wish to make within a limited time frame. Mr FUNG, you are also aware that there is a time limit for most of our debates, but this does not prevent Members from fully airing their views. The reality is that if a Member is allowed to speak for 15 minutes, he can make his points known in 15 minutes; but if he is allowed to speak for 15 hours, he can speak for the entire 15 hours. Hence, if there is no time limit on speaking, disallowing Members to make repetitive or irrelevant arguments alone does not guarantee the most effective use of the meeting time.

If Members are aware of the deliberation on the Bill in the current meeting, as I said earlier, I pointed out repetitive or irrelevant arguments in some Members' speeches for scores of times, but I could not stop them from speaking again. As long as I have reminded the Member concerned and he stops making repetitive or irrelevant arguments, he may go on speaking. Therefore, the current question is how to make the best use of the meeting time.

May Members please review how the debates unfolded over the past fortnight and think objectively and justly. Without the time limit I announced earlier, is there any way to really estimate how long the debates will last? Is it responsible to let the debates go on indefinitely? Is it tantamount to depriving Members of opportunities to deal with business by other effective means? May Members please consider these.

MR FREDERICK FUNG (in Cantonese): President, you said earlier that the three Members had spoken for a total of 167 times, and 47 of them were instances with repetitive or irrelevant arguments. In other words, you exercised your power as President for 47 times to ask them not to make repetitive or irrelevant arguments. If we deduct 47 from 167, that means a total of 120 speeches are free of repetitive or irrelevant arguments. Is that the case?

PRESIDENT (in Cantonese): Mr FUNG, that is not what I mean. To be fair, I did not interrupt in many of these 161 speeches. Individual Members might have included many repetitive or irrelevant arguments in a single speech, and I reminded them so many times. As I put it earlier, if a Member stops what he is

talking about after I remind him so and switches to other relevant issues, I will surely allow him to go on speaking. By saying in my earlier speech that there were 47 instances of repetitive or irrelevant arguments, I only wished to point out that it happened 47 times over the course of the debates as a whole.

Mr FUNG, what other points do you have?

MR FREDERICK FUNG (in Cantonese): President, since you have accepted the motions or amendments proposed by relevant Members, theoretically speaking, you should at least give them 15 minutes to speak. In our convention, no repetitive argument is allowed, but one can speak for 15 minutes. So, Members should be given 15 minutes of speaking time for each of the amendments they propose, which is logically sound. Nevertheless, that is not the case now. With a two-hour limit set, the third debate will have to finish within a time frame ... President, please allow me to finish explaining the second reason. These days, the Secretary keeps preaching threats of this or that kind in the wake of a lack of money, so President's decision is virtually a way to entertain him. I recall that amid the filibusters of last year, President suggested that "political problems should be resolved politically, may the Secretary please negotiate with Members". However, you stop short of saying so this time. It turns out that "political problems are resolved through executive means; political problems are resolved by President".

PRESIDENT (in Cantonese): I thank Mr FUNG for his views. First, if Mr FUNG raised his ideas in advance and won other Members' support in including them in the Rules of Procedure, it would have been a good solution. In other words, if a Member proposes 10 amendments, he can speak on them for 10 times and make 10 replies, so the total number is 20. Likewise, if he proposes 100 amendments, he can speak for a total of 200 times. If the rule were so set beforehand, we would have been able to estimate how long a debate would last.

However, if Mr FUNG notes what is going on in the current debate, proposers of amendments might speak on a single amendment for more than once in the joint debates which have been finished. Even though they proposed just

one amendment, they might still speak for many times. Moreover, as long as they do not make repetitive arguments, it is unreasonable for me to stop them from speaking, because there is no provision stipulating that they may speak on each of the amendments once only. Hence, if it goes on like this, there is no way to know the number of times Members will speak on each of their amendments. So, the first solution you suggested does not work.

I would also like to respond to another point. As I put it earlier, some Members may resort to filibusters to force the Government or the Financial Secretary to revise the Budget, which of course is a political problem. As Mr FUNG pointed out, I openly asked the Government to liaise with Members last year, and I have actually made the same request this year. But in reality, I could hear Mr LEUNG Kwok-hung complain openly that he bumped into the Financial Secretary in the corridor but received no attention from the latter.

Nevertheless, on the other hand, I also heard from the Government that a Member went to a public officer and threw joss paper at him, and proceeded to say that he would filibuster if the Budget was not withdrawn. This is exactly what Mr LEUNG Kwok-hung said one day. The public officer concerned felt struggled, wondering if that Member would throw joss paper at him again if he was to meet with him.

As for this Council, it is impossible for the Government to force us to do this or that. If Members are aware of what I said openly time and again, there is no stipulation in the Basic Law on the setting of a time limit for considering any bill, including appropriation bills. This is not a factor I need to take into account. However, as I put it earlier, there is actually a lot of outstanding business for this Council to deal with. If I allow the debates to go on, it will be unfair to the Council and other Members, because they will lose a lot of opportunities to monitor the Government through the time allowed in the Council. I have tried to ask Members to increase the amount of meeting time, but I also understand that many other committee meetings have already been scheduled on Monday and Tuesday, so it is difficult to squeeze time for additional meetings. That is the situation we are faced with.

Mr FUNG, you have spoken for a long time.

MS CLAUDIA MO (in Cantonese): President, it is not that I do not understand your ruling, but I am really concerned that this will set a dangerous precedent. If, one day, we wish to formally initiate a filibuster to resist legislation on the draconian Article 23 of the Basic Law or because we do not accept the Government's constitutional reform proposal, will this decision of yours make it possible for the same to be done in the future, which means that it would be our wishful thinking to be able to initiate a filibuster ever again. Is this the case?

PRESIDENT (in Cantonese): I believe Members have listened to the view of the Member, and this view will be put on record in the Official Record of Proceedings. What I am doing now must be in line with the Basic Law, the relevant legislation and the Rules of Procedure (RoP). If my ruling is in any way contrary to the Basic Law, the legislation or the RoP, there is a channel to rectify it. As Members may know, a judicial review is underway now.

MR RONNY TONG (in Cantonese): President, as far as I understand it, Members are all along not allowed to openly debate at meetings the justifications or logic of the Presidents' rulings. I would like to ask the President whether or not we have now departed from this constitutional convention.

PRESIDENT (in Cantonese): I am making elucidation at the requests of Members. I thank Mr TONG for raising this point. Members, let me remind you that you must not debate my rulings at meetings of this Council. As I already said, I will provide an official written ruling to Members later. If there is anything in my speech earlier that Members do not understand, I am willing to elucidate it.

Mr LEUNG Yiu-chung, did you raise your hand?

MR LEUNG YIU-CHUNG (in Cantonese): President, there are a few points that I really do not quite understand. First, you said just now that there was no communication between John TSANG and LEUNG Kwok-hung and you considered that the problem could not be resolved by political means and that administrative means should, therefore, be adopted to deal with it. Why do you not facilitate resolving the problem between them or why do they not take the responsibility for resolving the problem, rather than making this Council bear the

consequences and find a solution to it? I do not understand the reason for this. This is the first point that I would like you to elucidate.

Second, in response to Mr Frederick FUNG, you asked why he did not put forward his proposal earlier because it would have been easier for you to handle the problem if it had been put forward earlier and incorporated into the RoP, but since there is no such provision, you have to do it this way. Does it mean that in the absence of such a provision, you can then act arbitrarily not in accordance with the rules? Is it that you can act arbitrarily because no such provision is expressly made? Or should you act in accordance with the rules in a way that since no such provision is expressly made, you should not put restrictions on the speaking time but should act according to conventions or practices? Now that you are breaking the convention, and will this set a very bad precedent?

(Mr IP Kwok-him stood up)

PRESIDENT (in Cantonese): Mr IP Kwok-him, what is your point?

MR IP KWOK-HIM (in Cantonese): Will the President please make a ruling? Are we now having discussion on the ruling that you have made? I think we are in the course of such discussion now. I hope that the President can order that the discussion on the President's ruling shall stop, just as Mr Ronny TONG suggested.

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): President, a point of order. It is my turn first, right?

PRESIDENT (in Cantonese): Pardon?

MR LEUNG KWOK-HUNG (in Cantonese): I wish to raise a point of order.

PRESIDENT (in Cantonese): Please state it.

MR LEUNG KWOK-HUNG (in Cantonese): We are not the National People's Congress, and please bear this point in mind. Let me give you a piece of advice. You must remember this saying, and you must pluck up courage: "The force at the core leading our cause forward is the Communist Party of China". Please bear in mind this saying. You must pluck up courage. "The force at the core leading our cause forward is the Communist Party of China"!

PRESIDENT (in Cantonese): Mr LEUNG, stop speaking at once and sit down. Mr LEUNG, the first thing that you said just now was that you wished to raise a point of order, and I thought that was barely acceptable. Thank you for your reminder. We are not the National People's Congress. As for the point that you made, it has nothing to do with this meeting.

Let me first respond to the point of order raised by Mr IP Kwok-him. As I have just said, I already reminded Members that they should not debate in this Chamber the ruling that I have made. But I understand that a number of Members are very concerned about this ruling. Therefore, I am happy to elucidate anything in my earlier speech that Members do not understand.

Let me give a reply to the questions raised by Mr LEUNG Yiu-chung earlier. Mr LEUNG Yiu-chung did not listen clearly and carefully to my reply to Mr Frederick FUNG. I did not mean that as the Financial Secretary could not communicate with an individual Member, it is, therefore, necessary to resolve the problem by administrative means. I have never said that. Mr Frederick FUNG's question was that since I requested the Financial Secretary to meet with Members last year, why I did not make the same request this year. In my response I said that I did make this request but according to my judgment of the situation since the release of the Budget this year, it was not because the Financial Secretary and several Members, especially Mr LEUNG Kwok-hung, were unwilling to sit down to hold discussion that the problem was resulted. Besides, I think even if I had openly appealed to the Financial Secretary and Mr LEUNG Kwok-hung to sit down to hold discussion, in view of their attitudes at the time,

that would have been impractical according to my judgment. For these reasons, I explained in my response to Mr Frederick FUNG why I did not appeal to them to sit down and hold discussion as I did last year. It is not the case that the so-called administrative means is adopted to deal with a political issue because they did not sit down to hold discussion.

As for Mr Frederick FUNG's proposal, what I said was that had this view been put forward earlier and incorporated into the RoP, that would have been a solution to the problem because each Member would be allowed to speak only once on each amendment and give a response once. However, there is no such provision in the existing RoP.

MR FREDERICK FUNG: Elucidation.

PRESIDENT (in Cantonese): What is your point?

MR FREDERICK FUNG (in Cantonese): President, you misunderstood my meaning. What I said was that if each Member had 15 minutes to speak and when he proposed a motion for "N" times, he could speak for 15 minutes for "N" times.

PRESIDENT (in Cantonese): That is right.

MR FREDERICK FUNG (in Cantonese): But it is unlimited now, and they can speak far longer than that. This is what I mean. I am not suggesting that each Member should be allowed to speak for 15 minutes only.

PRESIDENT (in Cantonese): I did not misunderstand you.

MR FREDERICK FUNG (in Cantonese): You used this example cited by me to tell Members that Mr Frederick FUNG has this proposal ...

PRESIDENT (in Cantonese): I did not misunderstand you.

MR FREDERICK FUNG (in Cantonese): You did misunderstand me.

PRESIDENT (in Cantonese): Mr FUNG, thank you for your elucidation. Even though you have elucidated your point, I maintain the view that I have just stated. It is impossible for us to impose the restriction that each Member can speak only twice on each amendment.

Mr LEUNG Yiu-chung said earlier that since there was no such rule, it seemed that I had made my ruling arbitrarily and neglected the RoP with which I should comply. As I already said earlier, if any Member of this Council or any member of the public considers that this ruling of mine is in breach of the law, the constitution and the RoP, there is a channel to rectify it. Mr LEUNG may consider taking this step.

MR LEUNG YIU-CHUNG (in Cantonese): I wish to seek elucidation, because I said that you have broken the convention.

PRESIDENT (in Cantonese): I do not know what convention you are referring to. But if we look back, this is not the first time that we set a time frame for a debate which is not going to end. Anyone who wants to challenge this should have done so a long time ago. Which other Members have also raised their hands?

MR JAMES TO (in Cantonese): I think the problem is that the President's ruling has cited certain parts of the RoP and other ... and while this is a very important ruling, Members are not provided with a written paper. I think that as Members raise questions and seek elucidation, this paper will be helpful to us when we do not have time to write down everything or when we, after writing down the points, have discovered inconsistencies, and the President can be given an opportunity to make clarification. Therefore, I do not agree that we should adopt the procedures for the debate now.

I would like the President to elucidate one point. If my assumption is correct — that is, Mr IP Kwok-him's proposal to end the debate lacks a basis — then my question is: The President said earlier that some restrictions had to be imposed. Does this indirectly amount to the inclusion of some restrictions in the RoP by the President without actually making any amendment to the RoP?

PRESIDENT (in Cantonese): As I pointed out earlier, I made this ruling with my power to preside over meetings under Article 72(1) of the Basic Law. According to the Judge of the Court of Appeal, this power is very clear and includes the power to end a debate under suitable circumstances. My judgment is that the circumstances are suitable and the debate has to be ended, and it is under Rule 92 of the RoP that I have decided to end this debate, and I have explained the reasons earlier on. In handling the judicial review the court also explained these reasons, to which the Court of First Instance and the Court of Appeal have not raised objection.

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): President, a point of order.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, my point of order is simple ...

PRESIDENT (in Cantonese): Please hold on and let Mr James TO finish first.

MR JAMES TO (in Cantonese): President, a simple question to follow up a point of order. For matters not expressly provided for in the RoP, the relevant precedents may confer supplementary powers on the President. But there are rules which are expressly stipulated, and just as Mr Frederick FUNG has said, it is provided that a Member can speak for "N" times and has 15 minutes to speak each time. These rules are clearly provided for in the RoP. Why is it that when "N" number of amendments are proposed, we do not even have the right to

speak for 15 minutes on each such amendment, while the President can exercise some additional powers which are contrary to the RoP? In view of this, President, do you still think that this is within the scope of your powers?

PRESIDENT (in Cantonese): Mr TO, concerning the point that you have made, the relevant judicial review has actually given a detailed account of this earlier on. Let me now explain to you my reasons again. Under Article 72(1) of the Basic Law, to which I have just referred, I have the power to end the debate at this time, but from Rule 1 to Rule 91 of the RoP there is no provision providing for how the Chairman should end the debate during the Committee stage. Therefore, this is not a question of whether or not I am given this power because this power is conferred by Article 72 of the Basic Law, and it is also recognized by the court that the Chairman has the power to end a debate. However, the RoP does not provide for the practice and procedure for it. Rule 92 does not give the President additional powers, for it only provides that the President may make a decision on a matter that the President has the power to execute but the RoP has not provided for the practice and procedure to be followed.

I have now decided that before this debate comes to an end, I will set aside a period of time which I think is sufficient for Members to finish the joint debate currently in progress. Then, I will provide another period of time which I think is sufficient for Members to finish the remaining several joint debates before the entire debate will come to an end, and this is suitable.

Mr LEUNG Kwok-hung, what is your point of order?

MR LEUNG KWOK-HUNG (in Cantonese): Yes, a point of order. I think mere lip service is meaningless, and this meeting should continue only after you have issued a written ruling. So, this Council should be adjourned for the time being because ... President, please let me finish. It is meaningless to argue, because you have not provided a written ruling yet. If you are sure that this meeting will come to an end at a time that you think is appropriate, or you are confident that the circumstances that you have expected will arise, then I would suggest that you should adjourn this meeting until you have provided your written ruling to us. Frankly speaking, I may very likely apply for judicial review on your ruling this afternoon ...

PRESIDENT (in Cantonese): Mr LEUNG, I have heard your view.

MR LEUNG KWOK-HUNG (in Cantonese): President, listen to me. You must do this in order to be fair. After you have issued a written ruling, then I may probably apply for an injunction or ... So, you dare not say it, and all the people are dreaming here. After you have provided a written ruling, I will probably go to the court to sue you instead of staying here for the meeting. So, it is meaningless for you to say these things now. Give us a written ruling. Does Jimmy MA feed himself with rice or "mud"? What is Jimmy MA doing?

PRESIDENT (in Cantonese): Mr LEUNG, you may sit down after expressing your view. What you have said in the latter part is not a point of order. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): Thank you, President.

PRESIDENT (in Cantonese): Mr LEUNG, you are right in saying that it is meaningless to debate my ruling here. But I must add that even after I have issued a written ruling, it will still be meaningless to debate it, and this is not allowed either. I have made a ruling and it cannot be debated in this Chamber. Mr LEUNG, as you know, if you think that my ruling is in breach of the Basic Law, the legislation or the RoP, there is a channel for you to lodge a complaint. You can, of course, seek judicial review. But I have made a decision, and a written ruling will be given to Members soon.

MR ALBERT CHAN (in Cantonese): President, I seek your elucidation on the ruling. You mentioned Rule 92 of the RoP just now and said that you considered this suitable. But Rule 92 of the RoP clearly provides that "... be decided by the President who may, if he thinks fit, be guided by the practice and procedure of other legislatures."

President, as you may recall, when you cut off the filibuster last time, you had repeatedly consulted Members from various political parties and groupings, and Members from a number of political parties and groupings eventually

submitted a joint statement calling on the President to take actions and subsequently, the President considerably increased the meeting hours. But this time around, in cutting off the filibuster, firstly, the reason stated by the President is that there is "congestion" of outstanding items for discussion in the Legislative Council, which has affected the operation of the Legislative Council. You did not use "fiscal cliff" as a reason this time around, which is different from the past. Secondly, you have not considerably increased the meeting time ... or put restrictions on the time of the debate. And thirdly, Members did not sign to put up a joint request this time around, which is different from last time when you cut off the filibuster in response to Members' request.

Therefore, I very much hope that the President ... I do not know if you will explain this in writing. I think you have the duty to explain this part concerning Rule 92 of the RoP. If your reason is that you are "guided by the practice and procedure of other legislatures", which legislature and what practice and procedure have you made reference to?

PRESIDENT (in Cantonese): Mr CHAN has raised four questions. First, he read out the provision of Rule 92 of the RoP very accurately, unlike other Members who deliberately read it out wrongly. The wording of "... decided by the President who may, if he thinks fit, be guided by ..." under Rule 92 of the RoP allows the President the latitude "to be guided" by other legislatures but it does not specify the legislatures by which the President should be guided. As the same case last year or the year before last, I am of the view that it is impossible for this Council to follow all the practices of a certain legislature but if there is such a legislature, please let me know.

Some Members have suggested that a closure motion be moved by a Member, which means that this Council shall proceed to a vote immediately, but the RoP does not provide for such a motion, and even if this motion is moved and passed, it will have no binding effect because it is not provided for in the RoP. This is my response to the first question raised by Mr CHAN concerning how Article 92 of the RoP should be interpreted.

Second, he said that I have not mentioned "fiscal cliff" this time around. Will Members please take a look at the ruling that I made last year with respect to my decision to end the debate on the Appropriation Bill 2013. I did not mention "fiscal cliff" in it, and this has never been a factor for consideration to me. All

along, the main factor that I have considered is only how this Council will not be hindered in effectively discharging its duties and functions as the legislature.

Third, the Member said that when I ended the debate last time, I had set aside sufficient time for Members to conduct the debate. When I proposed to end the debate last year, I set aside 13 hours for Members to conduct the debate and after 13 hours, as some Members wished to finish their unfinished speeches, I extended the debate by 14 hours. If the Member did not pay attention to my earlier speech, let me repeat what I have said: I have reserved at least two hours for finishing the joint debate which is in progress and then there will be 24 hours for finishing the remaining joint debates. Therefore, if we add them up altogether, we have reserved far more time for the debate than we did last year.

MR ALBERT CHAN (in Cantonese): I think you misunderstood the third point that I made just now. What I mean is that last time, you greatly increased the meeting time as we held meetings even overnight or on Saturdays. It was after you had greatly increased the meeting time that you put restrictions on Members' speaking time. But this year, you cut off the filibuster without increasing the meeting hours or holding meetings on Saturdays.

PRESIDENT (in Cantonese): I see. Mr CHAN, the key is how much time Members are actually given to conduct the debate. Members can look up the records, or if Members are interested, I can ask the Secretariat to compile statistics in this respect. Although we cannot hold more meetings this year due to various problems, the total time dedicated to the debate has exceeded that of last year. Up to this point, the total time that we have spent on the debate has exceeded that of last year, and together with over 20 hours reserved for the following debates, the number of hours has far exceeded that of last year.

Lastly, Mr CHAN said that I ended the debate in response to Members' joint signatures last year. What Mr CHAN referred to is obviously the joint appeal made by some pro-establishment Members. As Members in support of the filibustering may understand, different parliamentary assemblies have come up with different ways to handle filibustering precisely because they do not wish to allow a simple majority of the parliamentary assembly to decide on the closure of the debate. If the Member is suggesting that there must be joint signatures by Members of the pro-establishment camp before the debate can be ended, I would

say that he must be careful. I believe the pro-establishment Members are more than happy to put down their signatures.

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

PRESIDENT (in Cantonese): Mr TAM Yiu-chung, what is your point?

MR TAM YIU-CHUNG (in Cantonese): A point of order and elucidation. Our 42 Members of the pro-establishment camp wrote to you on the eve of the filibuster, and you can ask the Secretariat for a copy. If you have lost it, I can give another copy to you.

PRESIDENT (in Cantonese): I have probably forgotten it. My apology to all the pro-establishment Members who have signed on the letter.

MR WONG KWOK-HING (in Cantonese): President, I think the ruling that you have made today is constitutional, lawful and reasonable. Besides, setting a timetable and a time frame can be an option when there is no other alternatives.

Having said that, President, if even this impartial, moderate ruling that you have made cannot be put into practice, then I hope you can consider another option. That is, you can adopt the conventional practice of holding overnight meetings, which is a decision that you can make within the scope of your powers. So long as we hold a meeting day and night and night and day, the filibuster can naturally be cut off. It is because this meeting has dragged on for eight days due to filibustering and this Legislative Council has already wasted \$20.4 million of our taxpayers' money. So, President, I hope that this ruling, which is an option when there is no other alternatives, can be put into practice expeditiously.

PRESIDENT (in Cantonese): I thank Mr WONG for his suggestion. It has been the practice of the Legislative Council that Members must first be consulted if I wish to change the time of meeting, which includes increasing the meeting time. I certainly understand that Members hold different views, and I cannot simply follow the view of the majority of Members.

However, as regards holding overnight meetings, I did consult Members through the Secretariat. The message that I have been given is that only a small number of Members are as energetic and resilient as Mr WONG Kwok-hing in agreeing to hold overnight meetings. I have also heard that some Members have no objection to holding overnight meetings but they say that they will not attend the meetings. If that is the case, it would be impossible for this arrangement to be put into practice. I hope that Members will be co-operative, so that we will not be wasting too much of the meeting time.

Just now I did not see some Members who raised their hands. Now I see that there are Mr CHAN Chi-chuen, Mr Dennis KWOK and Dr Fernando CHEUNG. Members have spent over 40 minutes seeking elucidation on my speech earlier. I hope that Members will be as concise as possible in their speeches.

MR CHAN CHI-CHUEN (in Cantonese): President, you said just now that you do not wish to end this debate with "a simple majority" but now you are ending it with "an absolute minority" as the debate is ended by you alone.

Second, just now you tried to make a comparison with the case of last year. But I would like to tell you that both the number of amendments and the number of Members who have proposed an amendment have surpassed those of last year. So, proportionality should be taken into consideration.

Third, I would like to ask the President this: Your decision is to finish this current debate in two hours and then allow eight hours for each of the three following debates. Is it purely the speaking time of Members or the meeting time including the time spent on headcounts and the time forsaken in the event that the meeting is aborted? I have prepared the speeches that I wish to deliver in this part of the debate. For instance, I still have eight to 10 speeches to make concerning the Department of Health, and with a time limit of two hours, I may be able to speak only twice, in which case I definitely cannot finish them all.

Lastly, insofar as proportionality is concerned, in the next debate there will be 300-odd amendments proposed by a number of Members, involving land, housing, transport and the environment. In the first joint debate our speaking time totalled nearly 30 hours, and while the next joint debate involves 300-odd amendments relating to four hard-hit areas, you will be giving us only eight hours

to speak. How can you explain it? Is it that you are not going to allow Members time to chide Paul CHAN, Anthony CHEUNG and WONG Kam-sing? Lastly, since I have already prepared my speeches, why can you not follow what you did last time and compress the debates into one ... For example, concerning my speeches targeting the Department of Health, I will not be able to come to the theme even after making 10 speeches and with only two hours, I can have an opportunity to speak only twice, and I do not think I can express my views. Such being the case, can we group the several debates together?

President, actually you should adjourn the meeting, so that you can give an account of and explain your decision to Members while answering questions from them. This is what you did last year but you are not going to do it this year, so that Members cannot confront you, and once clashes occurred, the Members concerned are considered to be in breach of the Rules of Procedure and will be expelled by you. I think this is unfair and undesirable.

PRESIDENT (in Cantonese): Mr CHAN, with regard to your last comment that you consider this unfair and undesirable, I can do nothing about it, because this is all provided for in the Rules of Procedure. I have made a ruling, and it is unnecessary to suspend the meeting to discuss my ruling with Members.

I have heard the view that you expressed at the beginning of your speech. With your language competency, Mr CHAN, even if you have prepared two speeches, you certainly can condense them into one speech and have your views fully expressed so long as you do not prolong the debate deliberately.

As regards how I determine the time limit for the remaining several joint debates, this is a reasonable distribution made entirely according to the time left. As Members may know, I did consult Members at the outset to find out if it is possible to extend the meeting time each night so that more time can be given for conducting the ensuing joint debates. But other than those Members who have spoken many times, the feedback given to me was that almost all Members opposed it. If I insisted on extending the meeting time and if Members do not attend the meetings, that would only increase the possibility of the abortion of meetings.

How do we count the time then? Mr CHAN, we can only count the meeting time because it is basically impossible to predict the time to be spent on

the ringing of the summoning bell before a quorum is present. That is beyond my control. Therefore, all I can do is to earnestly appeal to Members to be co-operative.

MR CHAN CHI-CHUEN (in Cantonese): If Members have all left the Chamber, those eight hours would not be dedicated for Members to speak, for all the time would be spent on ringing the bell.

PRESIDENT (in Cantonese): Mr CHAN, if you do not wish to see the time being wasted on the ringing of the bell, please do not request a headcount.

MR CHAN CHI-CHUEN (in Cantonese): This morning when a quorum was lacking at the beginning of the meeting, it was you who took the initiative to request the Clerk to ring the bell to summon Members back. President, you have the duty to ensure that a quorum is present at a meeting.

PRESIDENT (in Cantonese): You are right. When it comes to the traditions, this is indeed our tradition. A quorum must be present in this Chamber when a meeting begins, and it is impossible for a meeting to proceed in the absence of a quorum. Besides, when this Council proceeds to a division, I must also make sure that a sufficient number of Members are taking part in the vote. But speaking of traditions, as Members may know, and I believe Mr CHAN also knows that Members generally do not request a headcount anytime in the course of their speeches on other occasions. We all know that the whole meeting is broadcast live. Therefore, Members do not have to worry that nobody is listening to your speeches. You are speaking to all the people of Hong Kong, though it is another matter whether or not they are listening. Therefore, if Members want to make sure that their speeches will not be disrupted as a result of having to wait for other Members to return to this Chamber, they should refrain from requesting a headcount. In this way, there will be enough time for conducting the debate. Members should take the blame for causing the meeting to abort. I certainly do not wish to see the abortion of a meeting.

MR CHAN CHI-CHUEN (in Cantonese): President, you have not clarified the question that I raised earlier about whether the debates can be combined. If I cannot finish all I wish to say in the second session (that is, the current session) in two hours, can I continue with my discussion in the following sessions?

PRESIDENT (in Cantonese): Mr CHAN, I would suggest that insofar as this joint debate is concerned, you should finish by all means the speeches that you wish to give in the remaining time that I have planned to reserve for this debate. As for the following three joint debates, you can certainly make arrangements flexibly. If the fourth joint debate which immediately follows the current one can be finished in a shorter time, more time can be allowed for the other sessions. If Members who wish to speak in the debates are of the view that these 20-odd hours should not be separated and that Members should be allowed to choose to speak in any of the remaining joint debates, I will be glad to consider it if any Member has put forward this view.

MR DENNIS KWOK (in Cantonese): President, Mr James TO has sought clarification earlier on and President, you have also explained that you made your decision on the basis of Rule 92 of the Rules of Procedure. What I would like to put on record is this: We all know that the Court of Final Appeal (CFA) will make a judgment on this case at the end of the year. I hope that in your written ruling, President, you will clearly state that the interpretation of Rule 92 will be ultimately premised on the judgment of the CFA.

PRESIDENT (in Cantonese): According to what Legal Adviser has told me and as far as I understand it, the possibility is extremely low for the CFA to make an interpretation of Rule 92 of the Rules of Procedure in the hearing scheduled to be held in September. If the CFA considers it appropriate to make an interpretation of the Rules of Procedure of this Council, I will certainly comply with it unless the Legislative Council has taken the initiative to amend the rule under the Basic Law.

DR FERNANDO CHEUNG (in Cantonese): President, you said earlier that you acted with the power to preside over meetings conferred on you by Article 72(1) of the Basic Law. But Article 64 of the Basic Law clearly provides that the

Government of the Hong Kong Special Administrative Region must be accountable to the Legislative Council and the Government shall obtain approval from the Legislative Council for taxation and public expenditure. Article 73(2) also provides for the powers and functions to be exercised by the Legislative Council and, as also cited by the President earlier on, they include "To examine and approve budgets introduced by the government". We do have the power to examine budgets. Concerning this power to examine budgets, coupled with our power to approve or disapprove the budgets introduced by the Government as set out in Article 64 of the Basic Law just mentioned, is the importance of these powers above your power to preside over meetings under Article 72 of the Basic Law as you mentioned earlier? What I mean is that it is an administrative means to preside over meetings and ensure smooth conduct of meetings, but it is a political decision as to whether a budget is approved or not. Administrative means cannot override the most important powers and functions vested in us.

We are now debating the budget under the Rules of Procedure. President, as you have said a number of times, with regard to the debate on this Bill, the Rules of Procedure have clearly provided that Members can speak for an unlimited number of times, and under Rule 57, if the President rules that a Member's speech is frivolous or meaningless or irrelevant, you may direct the Member to discontinue his speech and even order a Member who has refused to listen to your instruction to leave. However, while we are exercising our powers under Article 64 of the Basic Law ...

PRESIDENT (in Cantonese): Dr CHEUNG, please be brief.

DR FERNANDO CHEUNG (in Cantonese): ... I would like you to clarify whether the power enjoyed by you under Article 72(1) of the Basic Law overrides the power under Article 64 of the Basic Law.

PRESIDENT (in Cantonese): Dr CHEUNG, the two powers that you have referred to are actually not in conflict; nor are they contradictory; and there is no question of one of the powers overriding the other. Dr CHEUNG, on this question, it is impossible for me to explain it more clearly and convincingly than the Judges of the High Court of First Instance and the Court of Appeal. In case Dr CHEUNG does not have the judgments made by these two courts, I am more

than happy to ask the Secretariat to provide you with the copies. Two levels of courts have already given thorough account of this issue.

DR FERNANDO CHEUNG (in Cantonese): Article 51 of the Basic Law has also expected this as it provides that if the Legislative Council refuses to pass the budget, the Chief Executive may apply for provisional appropriations. It means that from the perspectives of the decision-making process and the outcome, the Legislative Council does have the power to exercise monitoring and impose control.

PRESIDENT (in Cantonese): Dr CHEUNG, as I said earlier, this is actually not a new thing. This Council has the power to veto a budget. It is the duty of the Government to introduce a budget but this Council has the power to decide whether or not to approve it after deliberations. Therefore, the Legislative Council is entirely in a position not to approve the Government's budget and veto the Appropriation Bill after deliberations. However, if we unreasonably prolong the deliberations — I think this is happening now — in a bid to put off the vote on the Bill in this Council, then this is not a power conferred on this Council by the Basic Law. The Judges have made this point very clear.

MR ALBERT HO (in Cantonese): I have raised my hand in indication for a long time. I only wish that you can elucidate a point which I think is incomprehensible.

The whole ruling that you made today boils down to a deadline in your mind, as it is stated very clearly that you want us to proceed to and finish the vote before a certain day. I would like to ask the President this: When did you decide to set this deadline in your mind? If this deadline has long existed, why did you not take steps to manage the time in a better way from the first day of the debate, so that Members can make use of the time flexibly and the meeting time can be distributed more evenly for the whole debate? What has happened now is that at the outset we seemed to have boundless time and freedom ...

Having said that, President, what I am more concerned about is whether the Government has insisted on setting this deadline or instructed you to set it. Why do I say so? We all know that the Government can have flexibility. We

understand that the Bill has to be passed by a certain day as the Government is running out of funds soon and I can understand this. But the Government can apply for provisional appropriations.

From the recent reports that I have read, it seems that the Government has stated only recently that it will not apply for provisional appropriations. Has the Government told you that it is not going to apply for provisional appropriations and that they may probably become short of money and hence instructs you to do this? I am concerned about whether you have lost your autonomy and act in accordance with the Government's instruction, using this deadline to make us finish the debates within a limited time frame in haste and with the meeting time being distributed in a most uneven, disproportionate way?

PRESIDENT (in Cantonese): I thank Mr HO for his question. Let me make it clear that there is no deadline. Mr HO, what I have to decide now is whether a time frame has to be set for completing the proceedings on the Bill. If we do not see any problem in not setting a time frame, then I certainly do not need to set it. But as I have made it very clear earlier on, judging from the developments of the proceedings on the Bill over the last two or three weeks, I am of the view that if a time frame is not set, it would be impossible to tell when the relevant procedures can be completed. In other words, it is highly likely that this Council will not be able to deal with a large amount of outstanding business pending our consideration within this legislative year, which is unacceptable. If I allow this to happen, it would be dereliction of duty on my part.

Therefore, the first thing that we need to resolve is whether or not a time limit should be set. My answer is clear. It is irresponsible not to set a time limit. Then when should that time limit be? I do not have the concept of a deadline as Mr HO has said. If Members hold that there are better reasons to draw the line at the middle of June or even the end of June, I am willing to listen to their views. But I will ask: What is the difference between setting the limit at the last meeting in May and setting it at the first or second meeting in June? Does it truly make a real difference to Members' debate on the Bill?

Members, please examine your own conscience and do some soul-searching. Particularly, for Members who have never or only rarely attended these meetings, or those who entered the Chamber only on hearing the

summoning bell, do you consider it right or not right for me to hold one, two or three more meetings to deal with the Bill? If you think that holding more meetings for such purpose is a right thing to do, I would be glad to do so, but this will not achieve the result desired by the filibustering Members. So long as we can tell the Government that the proceedings on the Bill will be completed at a meeting in mid-June, the Government will not be worried as they can make preparations accordingly. But if Members consider that these arrangements are made too hastily and that it is not enough to have only 24 hours for the debate, Members can put forward their views and I would be glad to take them into consideration. However, today I do not see any reason to hold one, two or three more meetings for this purpose. So, there is no question of having a deadline in mind.

When I was interviewed by reporters I pointed out openly that there was no provision in the Basic Law requiring this Council to set a time limit for the deliberations on any bill, including the budget and the Appropriation Bill. Some Members have pointed out that being responsible Members, should we consider the possibility that there may even be problems in paying the assistants if the passage of the Bill is put off? Of course, we should have regard to this point but we must not take it into consideration when deliberating the Bill seriously. So, if Members have good reasons to support that the joint debates on the various amendments should not be completed at the meeting on 23 May and that the debates should finish at the meeting on 4 June or even 11 June, I would be glad to listen to Members' views.

Members, we have spent one whole hour on elucidation, which should come to a close after I have listened to the speech of Mr Gary FAN, as I only said that I would briefly explain the contents of my speech on which Members have sought elucidation. Members will receive my written ruling soon and we can further study it then.

MR GARY FAN (in Cantonese): President, you have stated in your ruling that each joint debate will be given only eight hours. If we do not count the 15 minutes required every time a headcount is requested and if we calculate on the basis of each Member having 15 minutes to speak, only 32 Members can speak in eight hours, provided that they do not speak for a second time.

For general motion debates in the Legislative Council, normally some 30 to 40 Members can speak on a controversial motion. President, there are 70 colleagues in this Council and as eight hours can allow only about 32 Members to speak, I, therefore, consider that this arrangement will unreasonably put restrictions on Members in giving their speeches or in exercising their right to speak. I hope that the President can consider whether this limit of eight hours is a reasonable arrangement. President, I think it is not.

PRESIDENT (in Cantonese): This is a very good point. In this connection, every time before I proceed to the next joint debate, will Members please be co-operative by pressing the "Request to speak" button on the desk. If Members really have views to express and if they must get them off their chest, they should have known well that they are going to speak. Therefore, when a debate begins, Members who wish to speak please press the "Request to speak" button. Mr FAN, I can give a solemn undertaking here that if 40 or 50 Members have requested to speak ...

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

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please let me reply to Mr Gary FAN's question first.

MR LEUNG KWOK-HUNG (in Cantonese): President, I wish to raise a point of order. Should you not let me raise it first?

PRESIDENT (in Cantonese): Alright, Mr LEUNG. Please state your point of order.

MR LEUNG KWOK-HUNG (in Cantonese): The President must not lie. I hope that the President does not lie.

PRESIDENT (in Cantonese): Mr LEUNG, this is not a point of order. Please point out which rule of the Rules of Procedure stipulates that the President cannot lie. Mr LEUNG, if you keep on disrupting the order of this meeting by raising a

point of order, I will rule that your conduct is grossly disorderly. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): I am trying to point it out to you.

PRESIDENT (in Cantonese): Please sit down, and let me reply to Mr Gary FAN's question.

MR LEUNG KWOK-HUNG (in Cantonese): There is nothing I can do if you do not allow me to point it out.

PRESIDENT (in Cantonese): Mr Gary FAN, just now I have given my undertaking to you and all Members that if, at the start of the debate, there are really many Members who have requested to speak, I can certainly extend the time of the joint debate accordingly, so that we will proceed to the next joint debate after all the Members who pressed the "Request to speak" button have finished speaking. Thank you for your suggestion.

DR FERNANDO CHEUNG (in Cantonese): President, a point of order. It is only at this moment today that we learn that you have made a new ruling in respect of the meeting and we have yet been provided with a written ruling. President, I suggest that you provide a written ruling to us and suspend the meeting for two hours to give us the opportunity to discuss it and make a response. President, I hope that you will provide a written ruling to us and suspend the meeting for two hours for us to discuss it.

Thank you, President.

PRESIDENT (in Cantonese): Dr CHEUNG, thank you for your suggestion. Just now some Members made the same suggestion and I rejected it. As I have just said, I will not debate my ruling with Members after I have provided the written ruling and suspended the meeting for two, three or four hours. I have made a ruling and it takes effect immediately.

BILLS

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Council is in Committee. We now continue to consider the Schedule to the Appropriation Bill 2014. We now continue with the third joint debate.

APPROPRIATION BILL 2014

MR ALBERT CHAN (in Cantonese): Chairman, given the limit that you have set for the meeting, there are only about two hours left for this debate and so I need to reorganize the information in my speeches. Chairman, since there is not much time and with only about two hours left, I do not wish to waste my speaking time. Can the Chairman suspend the meeting for 15 minutes for us to reorganize the information on hand in order to avoid ...

CHAIRMAN (in Cantonese): Members can reorganize their speeches while other Members are speaking. Since our meeting time is so valuable and if Mr CHAN is not yet ready to speak, you may let other Members speak first.

Mr CHAN, since you are not ready to speak, I now call upon Mr CHAN Chi-chuen to speak first.

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): You asked just now if any other Member would wish to speak. I am requesting to speak now.

CHAIRMAN (in Cantonese): I already asked Members who wish to speak to press the button. Mr CHAN Chi-chuen, please speak.

MR CHAN CHI-CHUEN (in Cantonese): No, Chairman. It was because I thought that I was going to have a dialogue with you that I pressed the "Request to speak" button just now.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will focus on the deduction of the annual estimated expenditure for the Labour and Welfare Bureau.

Chairman, after you made your ruling, this whole stack of information here has become meaningless. Chairman, how about this? Perhaps let me first request a headcount. Is a quorum present now?

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

(While the summoning bell was ringing, Mr Albert CHAN left his seat and talked to other Members)

CHAIRMAN (in Cantonese): Mr Albert CHAN, you now have ample time to organize the scripts of your speeches.

(While the summoning bell was ringing, a number of Members left their seats and talked to each other)

CHAIRMAN (in Cantonese): Will Members please return to their seats to make it easier for us to do the headcount.

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

CHAIRMAN (in Cantonese): Mr CHAN Chi-chuen, do you wish to speak?

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will continue to speak on the second joint debate with amendments. This joint debate covers a number of areas and involves over 100 or close to 150 amendments altogether. I have only finished my speeches on the amendments relating to the Agriculture, Fisheries and Conservation Department. I originally planned to give speeches targeting the Department of Health, Food and Environmental Hygiene Department, the Food Division and the Health Division of the Food and Health Bureau, Social Welfare Department (SWD), and Labour and Welfare Bureau. However, based on your decision to set a time limit, we are given only two hours — it is even less than two hours now — to speak. It is absolutely impossible for me to condense all my speeches targeting these departments and bureaux into two speeches.

I will give a demonstration later on. Next, I will speak on the service team for monitoring residential care homes for the elderly (RCHEs). I first planned to speak twice and I hope to condense the two speeches into one speech. In this connection, I wish to make a request. Chairman, if you are not going to make any changes to the proposals on the time limit, two hours later when you announced that this joint debate will end and that we will proceed to the next joint debate, can I make adjustments to my speaking time in a way that if, in this debate, I cannot finish what I wish to say or the salient points that I wish to make, can I continue to speak in the next debate?

CHAIRMAN (in Cantonese): I thank Mr CHAN for this suggestion. I understand that as a time limit is set for the total speaking time, Members will need to adjust their speeches accordingly. On the principle of not exceeding the total speaking time, if, in a certain joint debate, no Member who has not spoken wish to speak, I will allow Members who have spoken to choose to speak in the remaining time on the amendments covered by the remaining joint debates. For example, we are now conducting the fourth joint debate and if a Member who wishes to speak again has fully expressed his views on the areas involved in this joint debate, I will allow him to speak on the amendments covered in the remaining joint debates. Do you understand what I mean? In this way, other Members' right to speak will not be affected.

Mr CHAN, please continue.

MR CHAN CHI-CHUEN (in Cantonese): Alright. I now speak on Amendment No 1041 concerning "Head 170 — Social Welfare Department" in respect of subhead 000. This amendment, which is proposed by Mr LEUNG Kwok-hung, seeks to deduct an amount which is roughly equivalent to the annual estimated expenditure of the SWD for the service team responsible for monitoring the service of RCHEs (including private RCHEs) of the Licensing Office of Residential Care Homes for the Elderly (Licensing Office). The amount proposed for deduction is \$40.3 million.

The aim of the SWD for its elderly care service is "to promote the well-being of the elderly through the provision of services that will enable them to remain as active members of the community for as long as possible and, where necessary, provide ... residential care to suit the varying long-term care needs of frail elderly persons". However, it has been a serious dereliction of duty on the part of SWD in monitoring the service quality of RCHEs and it has been questioned by all sectors of the community. There are often media reports revealing elderly abuse incidents and bodily clashes between residents in private RCHEs. My mother has had such experience and she was a victim. I will explain this example later on. From this we can see serious dereliction of duty on the part of the Licensing Office's service team responsible for monitoring the service of RCHEs.

I have noticed that the work of the SWD includes licensing RCHEs; providing subsidized community care and support services for the elderly; providing subsidized residential care services for elderly persons, which include subsidized residential care places in homes for the aged, care-and-attention homes, nursing homes, and private RCHEs participating in the Enhanced Bought Place Scheme. These duties will enable the SWD to monitor the service quality of various private RCHEs. If it is known that the RCHEs concerned have breached the licensing requirements or the requirements of subsidized residential care places or worse still, if they are involved in incidents of elderly abuse, the SWD should stop providing subsidies to such RCHEs.

Over the past year, the SWD has launched the Pilot Scheme on Community Care Service Voucher for the Elderly and "continued to implement the Pilot Scheme on Home Care Services for Frail Elders to ... serve elderly persons who were staying at home and waiting for subsidized nursing home places". The SWD has also "provided additional subsidized and non-subsidized residential care places for the elderly through new contract homes", "provided additional day

care places for the elderly" and "enhanced the quality and care level of subvented care-and-attention places".

I notice that over the past three years, the number of places in self-care hostels and homes for the aged where a continuum of care is provided has increased from 6 124 in 2012-2013 to 6 438 in 2013-2014, and the number is expected to further increase to 6 509 in the coming year. Certainly, the increase in the number of places is far from satisfactory but some people are of the view that at least the number has increased anyway. Even though the number of places has increased, is there any improvement in the quality and service? Or is there a decline rather than an improvement in their quality and service?

Chairman, some time ago, the media revealed that a female care worker in a RCHE in Sheung Shui is suspected to have repeatedly abused the elderly. Her deplorable acts were eventually reported by her colleagues and have been brought to light. A care worker has, in one day, thrice assaulted a 90-year-old elderly woman, hit her head with a broom, twisted her hand and banged her against the wall, slapped her on the face successively, and so on. These acts are infuriating. These cases which we can see on the surface are just the tip of the iceberg, but the real iceberg underneath it is dozens of times larger in size. These care workers are deplorable and particularly, this female care worker who specifically picked the demented elderly to be her victims is eventually prosecuted by the police for abusing the elderly.

Despite a year-on-year increase in the number of places in the homes for the aged in recent years, the provision of subsidized residential care places for the elderly is obviously inadequate to meet the demand. Of the applicants who are waiting for subsidized residential care places, 23 363 are waiting for care-and-attention places and 6 388 are waiting for nursing home places, but the average waiting time for care-and-attention places and contract home places is as long as 36 months. As we have pointed out repeatedly, many elderly people passed away while waiting for residential care places. We do not know if it is a good thing to live long enough to be allocated a place or it is a good thing not to live long enough to be allocated a place. It is because if an elder is allocated a place in a subsidized home which is not adequately monitored, it is tantamount to sending the elder to hell. As a result, many elderly people have to live in private RCHEs first and some passed away in private RCHEs before they are allocated subsidized places.

Therefore, the Government's monitoring on private RCHEs is most important but we have seen from many incidents that the Government has been slipshod in its monitoring work and has adopted a *laissez-faire* approach, thus causing the situation of elderly abuse to become increasingly serious. Some organizations have criticized the authorities, saying that as it is the duty of the authorities to license RCHEs, it means that the authorities are able to cancel the licence of non-compliant RCHEs. However, in view of a shortage of subsidized residential care places for the elderly and the supply of such places persistently and seriously falling short of the demand, what has the SWD done to address the situation? It has turned a blind eye to the problem, stressing quantity rather than quality and neglecting elderly care services and even neglecting the problem of elderly abuse. The SWD has been criticized for being callous and indifferent.

Insofar as this allegation is concerned — other than the amendment proposing the deduction of the estimated expenditure of the SWD which I will talk about later — Secretary Matthew CHEUNG certainly must take the blame. Given a shortage of subsidized residential care places for the elderly, the SWD greatly increased the number of places under the Enhanced Bought Place Scheme some time ago by purchasing places from private RCHEs, with a view to further upgrading the service standard of these RCHEs through enhanced service requirements in terms of staffing and space standard. Under the Scheme, the authorities will grade those RCHEs participating in the Scheme as EA1 homes or EA2 homes and so, the SWD has reasons to monitor these private RCHEs participating in the Scheme and prevent elderly abuse. In non-compliant cases, the SWD can exercise its powers to stop the provision of resources to the RCHEs, in order that the operators will cease to have a stable source of financial resources.

However, let us look at the actual figures concerning the number of inspections on RCHEs conducted by the Government over the past few years. A total of 5 569 inspections were conducted in 2010-2011; the number was 5 373 in 2011-2012, 5 314 in 2012-2013, and 4 464 in 2013-2014. The number has gradually decreased year after year. Besides, insofar as these surprise visits are concerned, according to the industry, the operators can get wind of the inspections and when they know that government officers are coming to them to carry out an inspection, what will they do? They will go to nearby RCHEs and ask the workers there to come over to pretend to be their workers in order to meet the staffing requirement. If they cannot find other workers at nearby RCHEs,

they will randomly ask people on the street to pretend to be their workers. This is not uncommon, and this has prevented the SWD from monitoring these RCHEs effectively.

What will happen if there is a shortage of manpower at RCHEs? Those cases of care workers abusing the elderly inmates which I have just mentioned are certainly heinous. Not only should their licences be cancelled, they should also be punished. But in some RCHEs, due to a shortage of manpower, no one will attend to the elderly when they fainted or in the event of conflicts between the elderly. Take my mother as an example. She was pressed onto the ground and beaten up for two minutes by another resident at a care home for the elderly. She was beaten up so much that her head became swollen, and the workers found out what happened only then and she was eventually sent to hospital and a report was lodged with the police. These examples show that the Government only cares about boosting the figures and seeks only to increase the number of places in the provision of residential care services for the elderly. However, in respect of monitoring or conducting inspections, it has made only half the effort and as I have just said, it has turned a blind eye to such work.

Let us further look at the figures of prosecution or the number of warning letters issued. In 2010-2011, 404 warning letters were issued; the number was 377 in 2011-2012; 348 in 2012-2013; and 295 in 2013-2014. From this we can see that not only has the number of inspections dropped. Even the number of warning letters issued, or actions taken against non-compliant RCHEs, has been gradually on the decline year after year. The figures show that actual prosecution is even rarer as prosecution actions were taken in 18 cases in 2010-2011, five cases in 2011-2012, 10 cases in 2012-2013, and nine cases in 2013-2014. I have obtained these figures from the Government at the special Finance Committee meetings.

This service team incurring \$40.37 million of public funds and responsible for monitoring the service of RCHEs (including private RCHEs) has failed to improve the service of RCHEs in respect of the staff establishment, mechanism, and actual operation. In view of these RCHEs of varying quality which have operated poorly and abused the elderly or RCHEs operating with a shortage of workers and passing off as up-to-standard elderly care homes, how can the authorities explain to the elderly? For these reasons, many elderly have to wait and they even refuse to move into subsidized RCHEs, saying that they prefer to

wait for their death. We put questions to the Government every year and we are provided with a lot of these figures. Secretary Matthew CHEUNG, who is sitting over there, may argue, "This is not true. Had the elderly not been nitpicking and had they not insisted on their special requirements for the district or direction of the home or had they not had preference for the type of the home, they would have been allocated a place in six months." Elderly people who are allocated a residential care place refused to move into the home because they know that the service is of a poor standard and the reputation is bad and even the care workers there have bad attitudes and are mean to the residents as they are almost like using the cloth for cleaning the floor to clean the mouths of the elderly. The elderly are terrified and so, they refused to move in. Finally, they passed away while waiting for public RCHEs.

In the consultation document on the population policy published by the Government some time ago, it is pointed out that the problem of population ageing will be serious in Hong Kong in the future and as the elderly population is increasing, the demand for homes for the elderly will increase. The SWD should step up monitoring to maintain the quality of these homes. It should not shirk its responsibilities, taking a neglectful, carefree attitude towards private RCHEs and turning a blind eye to them. The Government has the power to license these homes and it also has the power to cancel their licences. I have noticed that the SWD mentioned in the Programmes that in the coming year, the SWD will provide additional day care places for the elderly; continue to upgrade the physical setting and facilities of elderly centres; enhance the quality and care level of all subvented nursing home places; provide additional subsidized and non-subsidized residential care places for the elderly by setting up new contract homes; provide additional subsidized care-and-attention places through the Enhanced Bought Place Scheme; and continue to increase the proportion of subsidized nursing home places in existing contract homes. This is just piling up fancy figures, and not a single word has been mentioned on the service quality of these homes and how monitoring can be stepped up on private RCHEs.

If the Government does not work towards this objective but merely makes a window-dressing gesture by putting in place this service team for monitoring the service of RCHEs, so that it can tell the public that this area of work incurs an expenditure annually but if the provision is not put to use, it would be better to deduct this estimated expenditure altogether, in order to force the Government to identify ways of monitoring at a higher level. Perhaps Matthew CHEUNG should be made responsible for conducting inspections in person every day, or the

inspections can be carried out jointly by the Secretary and the Director and in that case, no one would dare to fabricate the figures, right? For these reasons, I support Amendment No 1041 proposed by Mr LEUNG Kwok-hung to deduct the annual estimated expenditure for the service team responsible for monitoring the service of RCHEs.

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

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, today I speak against the amendments proposed by these several Members to deduct the expenditure of the Government, especially in relation to these several areas. However, I must state clearly that I will vote for these amendments when they are put to a vote. Chairman, why should I do so? This seems to be contradictory. In fact, my following speech will be contradictory too. I have to clarify why I have made this decision. Chairman, my speech will consist of two parts. In the first part I will discuss why I take exception to their amendments to deduct the expenditure of the Government and in the second part I will explain why I will vote for the amendments.

First, I do not support their amendments proposing to deduct the Government's expenditure. The main reason is that it is originally a good thing for them to propose amendments for us to debate and to ask the Government to provide detailed explanation to us on these issues, because as it was mentioned during the discussion and elucidation earlier, the Basic Law confers on us the power to examine the budget and the Government should explain in detail the contents of the expenditures, but the Government has failed to do so. Therefore, it is originally a good thing for them to propose these amendments. But most regrettably, in this Council Members do not work together to force the Government to give explanations. Moreover, these several Members have emphasized on filibustering and this has made it necessary for you to make many rulings. For example, the rulings that you made earlier have, in my view, broken the tradition or the established practice of the Legislative Council by putting restrictions on Members' speeches. Does it do any good to them? In proposing these amendments, have they considered that their actions will lead to these consequences? Therefore, I think what they have done is indeed most undesirable.

Furthermore, we all understand and know how this Council is made up. All the so-called deliberations are just formalities. With such composition of this Council, whatever the Government wants this Council to pass will be passed. Everyone knows only to blindly chime in with the views of the Government. So why do they have to kick up a fuss? This Council is but a rubber stamp and whatever the Government tells this Council to pass will be passed, right? In kicking up a fuss here, they are actually putting on a show. Therefore, I think they should not have done this.

Chairman, this has not only brought great changes to our procedures and even our meeting dates and meeting time — actually this does not really matter because we are only a parliamentary assembly and this will not have a significant impact on society — but this has also led to a bigger problem in society, and I wonder if these several Members have ever considered this. Yesterday we saw Chief Executive LEUNG Chun-ying. He seldom shows up nowadays for fear that he may say something wrong to the media which will then cause an uproar in society and so, he has all along been lying low. But yesterday, he told the media in a high profile that firstly, the Government will not apply for provisional appropriations because this will only encourage filibustering by those Members. And secondly, he said that owing to the filibuster, certain departments may not have the funds to perform their duties and so, he appealed to the public to put pressure on Members. Chairman, the Government should have known this long before — as you have said earlier on, Chairman, Members made it clear long ago that they would filibuster — Therefore, the Government is duty-bound to prevent the situation of various departments running out of money for ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have digressed from the question. Please speak on the amendments.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I would like them to withdraw these amendments which seek to deduct the Government's expenditure. I, therefore, wish to talk about the consequences of these amendments. I would like to put forward this view and I hope that you will allow me to continue speaking along this line.

The Government is duty-bound to do this because they should have known what is going to happen. For example, the Government can release the budget earlier to allow Members more time to debate and examine it, but the Government did not do so and it even said that it would not apply for provisional appropriations as if it were being peevish. As a result, restrictions have to be put on the time for discussion by Members' and although this may not really be a deadline, what good does it do anyway?

Chairman, what is more important and more serious is that he appealed to the public to put pressure on Members. Chairman, I wonder if Members have ever thought about why this is serious. This is serious in that it makes people criticize and accuse each other in society. This is an even more serious problem for it has aroused internal conflicts in society, and what will be the consequences if these conflicts will continue to deepen? I only think that the consequences will be unthinkable. The Communist Party of China has done this before, inciting people in one camp to topple people in other camp. Are we going to do the same today? The Government is outrageously encouraging people to put pressure on other people. Do we not feel worried about this? I feel terribly worried. So, with regard to this so-called filibuster, they can propose amendments if they want to and they can propose deductions if they want to, but why should they stress that this is done all for the filibuster, thus resulting in these consequences? Chairman, I am gravely worried about this. The Government of the Hong Kong Special Administrative Region has not only done this but even refused to face the responsibility that it should take up by itself and shifted its responsibility to this Council, making Members take up this responsibility. Such being the case, we can only take exception to their filibuster and their calls for deduction of government expenditure.

However, Chairman, as I have just said, I will vote for their amendments proposing the deduction of the expenditure of the Government. Why do I have to do this? In fact, many government departments are like "spendthrifts" in their expenditures. They do not exercise restraint in their spending. They squander money frivolously; they buy wine with public money; and they hold banquets to entertain their guests as they like. They can even turn their office into a wine cellar, and they can do just everything. But we do not have the chance to ...

CHAIRMAN (in Cantonese): Mr LEUNG, on which amendment are you speaking now? Which department's expenditure is to be deducted?

MR LEUNG YIU-CHUNG (in Cantonese): We do not have a chance to ask those departments to clearly explain their expenditures to us. We do not know what channels there are for us to examine the expenditures of government departments apart from proposing amendments in the Committee stage. So far, government departments have not explained to us in detail their expenditures item by item as they have only set out their expenditures in lump sums. Therefore, if things go on like this, we think that there is really no way for us to perform our duties as Members. Chairman, as you have just cited, the Basic Law empowers Members and this Council to examine the fiscal expenditure of the Government but we do not have the opportunity to do this now. Therefore, the only thing that we can do is, as Mr CHAN Chi-chuen has just said, deduct certain expenditures of the Government to make the Government understand how non-transparent and undesirable its operation is.

In fact, the Government's operation is executive-led now, and it is unnecessary for the Government to heed the views of Members. Therefore, no matter how Members have criticized the Government, as the pro-establishment camp makes up the majority of this Council, whatever the Government wants this Council to pass will be passed. For example, even though the study on the development of North East New Territories is now under discussion, we all know that the proposal will definitely be passed as in the case of the Express Rail Link. It will definitely be passed anyway. So, if we do not support those amendments, it will be difficult to make the Government face the community and the public and give explanations openly. Therefore, I can only vote in support of those amendments.

Chairman, I understand that the Government has said that a number of departments are short of funds, which will make it impossible for them to discharge their duties. This, I think, is regrettable. But as I have just said, the Government should have expected this outcome and it should have made preparations long before. However, they have not done so, and they have only blamed Members for filibustering. I think the Government has shirked its

responsibility and is derelict of its duties. But this is the way the SAR Government of this term is. It does all the talking without giving others a chance to speak, thinking that only the Government is right whereas the others are all wrong. This actually does not surprise us at all. So, the only thing that I can do is to support these amendments when they are put to a vote, in order to put across a message to the Government, telling the Government that society is different nowadays because what society earnestly hopes for is a transparent, responsible and accountable government, not one that does whatever it likes administratively.

Lastly, Chairman, I do not wish to take up too much time of Members, and I will express my views on these amendments one by one later. Today, all I wish to say is that the Government should stop before it is too late. It should respect the people and respect the development of society. It should provide more explanation and attach more importance to public opinions, and it should be more people-oriented in the formulation of policies.

Chairman, I so submit.

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

MR ALBERT CHAN (in Cantonese): Chairman, I would like to speak on Amendment No 204 proposed by Mr LEUNG Kwok-hung, resolving that head 49 be reduced by \$1,772,800,000, which is roughly equivalent to the annual estimated expenditure for the street cleansing service of the Food and Environmental Hygiene Department.

Chairman, if Members can recall, this service used to be put directly under the charge of civil servants directly employed by the Government. But some years ago, this service was outsourced to contractors. Chairman, once the service is outsourced, the situation of the middleman reaping extortionate profits will arise and front-line workers will be squeezed to the last drop of their juice. I will provide some information for Members' reference later on.

At present, of this expenditure of \$1.7 billion, \$900 million are allocated for hiring about 7 392 workers for the street cleansing service by 14 contractors. Chairman, we may not be able to grasp the information on all these contractors as they are mostly in the private sector. So, we may not be able to obtain the information. But Chairman, one of these contractors is now a listed company. A company engaging in street cleansing work can become a listed company. From this we can see the profits brought by the cleansing contracts.

Let us look at this company. I am not going to name it, and Members can find it out on the Internet. This company was awarded a \$440 million-worth contract by the Government in 2011. The contract amount further increased to \$580 million in 2013 and this company has employed as many as 5 000 cleaners. If we look at the actual operation of the workers and the profits made by the company, we will see how the workers are oppressed by these contracts. This is the reason why the Government should abolish the outsourcing system.

Concerning the annual expenditure on salaries of this company, in 2011, the salaries of the executives amounted to \$14 million, which further increased to \$19 million in 2013 — I am referring to the salaries of the executives. According to the annual report of this company, in respect of profits, the company made profits of \$25.42 million in 2011, and in 2013, the amount of profits surged to \$45.77 million, which obviously shows a significant increase in profits. Let us further look at the figures of workers. This company has employed 5 000 cleaners. After calculating their wages, we find that most workers are employed at an hourly rate of \$30.2, a mere 20 cents more than the minimum wage of \$30. It is imaginable how pathetic this is. The work environment is extremely deplorable. We have looked up some information and found that last year alone, this company was involved in as many as 700 cases of work injury and accidents. Cleaning work does not entail a high level of risks but almost two such cases happen each day in this company. This is inappropriate and unreasonable.

Therefore, while we can see a substantial increase in the administrative expenses and profits, workers' wages seem to be always on the low side, almost as a matter of course. The figures of work injury and accidents are on the high side. In view of this, we must ask ourselves: Should we, being Members of the Legislative Council, accept this spending of \$1.7 billion to support this

unreasonable mode of employment? This amount of provision is made for the high-sounding purpose of street cleansing but this company alone has been able to reap profits amounting to tens of million dollars from it. So why can the workers not be paid higher wages?

Besides, what is more unacceptable is the work environment of the workers. These workers generally do not work at a fixed place and more often than not, they are not even provided with a place to change their clothes. Some reporters have covered the work conditions of these workers and it is reflected in many reports that their work environment is downright inhuman as workers sometimes have to change their clothes hastily in public places. In this very advanced city of Hong Kong, it is outrageous that the dignity of workers has been infringed upon. For this reason, I will support Amendment No 204 proposed by Mr LEUNG Kwok-hung.

Moreover, Chairman, I wish to further speak on dental service that I briefly mentioned earlier on, which has to do with Amendment No 141. I will speak on Amendment Nos 141 and 142 as well as the several amendments relating to dental service.

In fact, if we look at the figures, we will see that in respect of dental service, the expenditure that can be of direct help to the public is not much. Of course ... an overwhelming part of the expenditure is spent on civil servants, and I think Members know this only too well. If we look at the figures, the number of patients have over the past three years ...

CHAIRMAN (in Cantonese): Mr CHAN, you have made this point already.

MR ALBERT CHAN (in Cantonese): Chairman, I have not mentioned the figures yet. I only made criticisms of the overall situation but I did not provide the relevant figures back then.

If we look at the figures, we will see that they are broadly distributed quite evenly, and I am not going to read them out in detail. However, with regard to Tsuen Wan Dental Clinic, Yan Oi Dental Clinic in Tuen Mun, Yuen Long Dental

Clinic, Tai O Dental Clinic and Cheung Chau Dental Clinic, some of the figures have shown a decline, though the rate of change is not great. However, public demand has been increasing and Chairman, I think Members know it well too. The demand of civil servants has also increased substantially. Members can also see the operation of some dental clinics. For example, the only dental clinic in Lantau opens merely in the morning of the second Thursday of each month and only 32 discs will be allocated. Some clinics may allocate more discs, such as the Yuen Long Dental Clinic which allocates 42 discs. Given an excess demand, there is an acute shortage of service. If Members can take a look at the figures, they will find that part of the expenditure is spent on administrative costs or talks. For example, quite a large part of expenditure is spent on outreach dental services. Chairman, of the \$1.23 million annual provision for each outreach dental team, 75% is spent on seminars and talks, which means that only \$330,000 out of this sum of \$1 million or so are truly dedicated for dental service. I personally think that practical services are most important. Certainly, talks do have their value and they are also necessary, but when there is a lack of practical services, the deployment of resources should focus on the provision of practical services, with a view to helping the public improve their dental health.

Moreover, Chairman, I wish to make a point concerning Amendment No 151, which resolves that head 37 be reduced by \$1,904,564. This amount is roughly equivalent to the annual estimated expenditure on the salary of the Consultant in-charge of Dental Service. Certainly, we definitely support the expansion of dental service to the grassroots on all fronts. But given the lopsided policies, most clinics mainly provide dental check-up or pain relief treatment service, whereas services such as filling and particularly, dentures, are not provided, and as a result, the dental health and needs of many people are not duly taken care of. Since the Consultant holds a high position with great powers and is remunerated at \$1.9 million annually, I think this is an accountable post and through the deduction of this expenditure, we can express our dissatisfaction with the overall service. This post is responsible for managing 100 staff, including dentists, and the expenditure involved is \$80 million. Some of these staff are also responsible for outreach dental services. We consider that in order to take forward this service comprehensively, the Consultant should help pressurizing the Government to make changes in the policy.

Furthermore, with regard to Programme (8) of the head concerned, the expenditure for managing the civil servants working in the Hospital Authority (HA) is \$8.2 million, an increase of \$300,000 over that of last year. Under the Programme, a total of 22 staff are responsible for managing the 1 912 civil servants in the HA. Chairman, I already mentioned this point in my previous speech and so, I am not going to repeat it. Basically, we think that the duties within the ambit of the HA should be discharged by the staff of the HA, not by civil servants. As I already mentioned this point last time, I will not make repetition here. Thank you, Chairman.

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

MR TONY TSE (in Cantonese): Chairman, in this third joint debate, several Members have proposed 148 amendments to seven heads covering such areas as poverty alleviation, welfare and elderly care. They have called for the reduction of the expenditure on the dental service of the Department of Health, the subvention provided by the Agriculture, Fisheries and Conservation Department (AFCD) to the Society for the Prevention of Cruelty to Animals (Hong Kong), the expenditure on market improvement works of the Food and Environmental Hygiene Department (FEHD), and the annual expenditure on street cleansing service of the FEHD. Under these proposals, the annual expenditure of some services or programmes is proposed to be reduced to a nominal remaining amount of \$1,000 only or even less than \$100. In fact, these substantial reductions are, in my view, unrealistic. These proposals, if passed, will make the operation of the services and programmes impossible. To Members who proposed these amendments, is it really their objective to reduce the expenditures concerned or do they have other intentions? Although these several Members have explained in their speeches the principles and objectives of their amendments, I have misgivings about whether it is best and most beneficial to the overall interest of Hong Kong to propose a large number of amendments. After many days of our debate here, we have actually seen that society has a lot of voices. The public certainly have their own judgment and views on the approach taken by the Members of proposing a large number of amendments and filibustering in this Council. But anyway, I would like to put forward some views in this joint debate in the hope that the Government can address the problems squarely and take appropriate actions in response.

Particularly, I think agricultural development is an issue which has attracted more attention in society in recent years. Following continuous development of land in new development areas by the Government, plenty of farmland has been or will be resumed or rezoned for other developments, thus making it impossible for some farmers to carry on with their farming activities. Although I have noted that the Government has consistently stressed that there will be appropriate policies and measures to help the affected farmers to resume farming and promote local agricultural development, under the existing government structure, the formulation, co-ordination and implementation of the agricultural and fisheries policies come under the responsibility of the Secretary for Food and Health, whereas issues relating to the farmland with a direct bearing on agricultural development are nevertheless under the purview of the Secretary for Development. Does the Secretary for Development have a holistic, comprehensive policy on the management, planning and use of farmland, and how will the Development Bureau and the Food and Health Bureau co-operate with each other to promote local agricultural development? Does the Government ...

CHAIRMAN (in Cantonese): Mr TSE, on which amendment you are speaking?

MR TONY TSE (in Cantonese): Chairman, it is because some amendments have mentioned the reduction of the expenditures or salaries of officials of the Food and Health Bureau and the AFCD. I think these proposals will have an impact on the implementation of the policies that I have just talked about. I hope that you can allow ...

CHAIRMAN (in Cantonese): Mr TSE, I have reminded Members that if the amendments under discussion involve the reduction of the salaries of officials, they should speak on the performance of the officials, rather than discussing in detail the policies under the charge of the officials. Please pay attention to this.

MR TONY TSE (in Cantonese): Yes. Thank you, Chairman.

Moreover, Chairman, I would also like to talk about the expenditure on social welfare. It is because while the community does not oppose the Government providing assistance to the grassroots and the disadvantaged in need, the availability of resources to provide support is important. As ageing of the population becomes increasingly serious, the public have increasing demands on the Government, and its expenditure in various aspects is expected to increase continuously. Therefore, it is most important to promote diversification and sustainable development of the economy because without economic development, there will not be resources to meet the welfare expenditure and provide support to Hong Kong people in need.

CHAIRMAN (in Cantonese): Mr TSE, you are still not speaking on the amendments.

MR TONY TSE (in Cantonese): Alright.

Chairman, as I have just said, apart from proposing the reduction of the expenditure on a number of services and programmes relating to society and the people's livelihood, Members who sponsored these amendments have also proposed the reduction of the salaries of individual accountable officials and civil servants. I think these Members may have their own plans in putting forward these proposals. But as a matter of fact, the reduction of officials' salaries is not of any practical help to solving the problems. Perhaps the Members wish to take reducing the officials' salaries as a means to punish them for their unsatisfactory performance, or they wish that the officials could improve their performance. But I think if their salaries were to be reduced to a nominal \$100 as I have just said, under the condition or circumstance that their work would not be compensated, I do not see any incentive for the officials or civil servants to have stronger motivations to do better. In any case, Chairman, I think there is indeed a lot of room for the Government to improve or refine many policies and measures. I hope that the Government will pay more attention to this and take follow-up actions early.

Chairman, I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will now speak on my Amendment Nos 684 and 697. The contents of the amendments cover a wide range of issues, including expenditure and personal emoluments, reduction of all or half of the expenditure, and so on. Honestly, Mr TSE, the request for a reduction of salary should not be initiated by others. As in the case of the ferry disaster in Korea, PARK Geun-hye has already apologized twice. Does she need someone to impose a salary reduction on her? The Prime Minister of the country has also resigned. If a person knows what is shameful, he will apologize for his mistake. It will not be necessary to subject him to a pocket money cut, like a kid, to force him to admit his fault, will it? It is a waste of time. But since the legislature has no other means to pursue this, we can only make such a request.

Chairman, I am saying that Secretary Matthew CHEUNG and all the government officials under him have no forks but only chopsticks for use. Why? The responsibility of the head of a Bureau is to give prompt advice to his supervisor, either the Financial Secretary or the Chief Executive. Otherwise, the Secretary would not have the time to attend the meeting every Tuesday in the capacity of an ex officio Member. Therefore, if the Government has had any blunder in governance, particularly when the blunder occurs under the Bureau, the Secretary must be held responsible. If the Secretary makes a mistake, the Permanent Secretary should be held responsible for failing to remind the Secretary, and the Under Secretary should also be held accountable. It should be dealt with in a basket. Since the Chairman has set a time limit, I offer a favourite deal by proposing the amendments in a basket.

First, Matthew CHEUNG, being a Director of Bureau, has failed to notice the fight between the Chief Executive and the Financial Secretary. Chairman, to enable you and audience watching television broadcast to have a clear view, I have made the prop of a "dishonoured cheque" issued by LEUNG Chun-ying, which are the items he mentioned in his election manifesto in 2012. I will quote now, please pan the camera at me: "We will study the impact of our ageing population on public finance. We will undertake planning..." — the usage of the two Chinese characters "籌謀" in the Chinese manifesto is incorrect, which should be written as "綢繆" as derived from the idiom "未雨綢繆" (meaning preparing for rainy days) — "... on a timely basis and set aside adequate moneys in a special Fund to meet the extra expenditure that will be needed by reason of our ageing population to provide elderly care, medical and health services in the years to come" This is the election manifesto of LEUNG Chun-ying.

However, 27 months have passed since he was elected, which means half of his tenure is over.

What about the Financial Secretary? What has he said? He mentions in the Budget the setting up of the Future Fund. He says, "We can consider setting up a saving scheme to prepare for the future having regard to the experience of other economies. One example is the setting up of a 'Future Fund' comprising the Land Fund and a portion of future surpluses. Government may draw on this contingency fund in the event of sustained budget deficit to finance strategic infrastructure projects conducive to Hong Kong's future economic development."

CHAIRMAN (in Cantonese): Mr LEUNG, how are the two paragraphs you read out just now related to the amendments you read out earlier?

MR LEUNG KWOK-HUNG (in Cantonese): They are related, for the proposal of John TSANG vetoes LEUNG Chun-ying's proposal of saving money in the long run ...

CHAIRMAN (in Cantonese): How is it related to the series of amendments you read out earlier?

MR LEUNG KWOK-HUNG (in Cantonese): They are definitely related, for the Labour and Welfare Bureau is responsible for the formulation of the relevant policy. I have pointed out that the failure of the Secretary to promptly reflect the worries and difficulties of the people to his supervisor and point out the fight between his two supervisors is a very serious dereliction of duty. Otherwise, the prime minister would not have to resign because of a ferry disaster. Yet, I am only proposing a reduction of his salary now, Buddy. But according to your saying, the resignation of the Prime Minister of South Korea would have been unnecessary, for he was not at the scene at the time. In that case, accountability means that when someone has the chance to identify certain problem yet he fails to do so, he will be held accountable. If someone who should have caused him to see the problem but fails to remind him about that, he has to be held accountable. This is the reason for Jay WALDER and Anthony CHEUNG to resign. We should adhere to this if we want to safeguard accountability.

Naturally, salary reduction is not the key, for he has a lot of money and he may continue working without getting paid. Therefore, we are not aiming to take his life; we only want to strip him of his dignity. Members need not worry, for the rich will never get hungry.

Basing on the aforesaid, a man called John TSANG is being really ridiculous. He asked me to "go away" and accused me. I have responded accordingly: "John TSANG who lacks empathy is most excellent in underestimating surpluses, and he prefers property to the elderly in spending the \$200 billion Future Fund." Matthew CHEUNG should take the blame as he has failed to advise him, rendering him to become a "keyboard fighter", scolding and cursing others like old devout women in the dark. Do you know who these old devout women are? They are women who pray to bless or curse others through the rituals of offering sacrifice. The one I am talking is "John TSANG, the old devout woman".

Chairman, I will say that it is closely related to the subject. He uses \$230 billion to set up a fund "to allow the living to occupy the sites for the dead". Yet I am only asking for the setting up of a fund of \$50 billion, which over 70% of the Members of this Council consider necessary ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have repeated this argument many times. You have spared no effort in criticizing the "Future Fund". Will you please speak on the amendments you have read out.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, you may not know that I am just about to give the arguments on whether or not Matthew CHEUNG should be held guilty. Since Matthew CHEUNG is not in the Chamber now, so I tell him that all his subordinates of D1 to D8 rankings should be held accountable and should thus be subject to salary reduction. In this connection, today you require us to finish the debate within two hours. Honestly, it will be a waste of time. Had John TSANG and Matthew CHEUNG been present in this Chamber and responded to the accusation I launched against them, we would have settled the score with a ... Am I right? It is straightforward, but he chooses to hide. Since you are the middleman, probably after he gives his reply ...

CHAIRMAN (in Cantonese): Mr LEUNG, you know that it is for the Government to decide which government officials will attend the meeting to settle the score with a "kiss"¹ with Members

MR LEUNG KWOK-HUNG (in Cantonese): I have to make it clear first that I am using the Chinese character "泯" (meaning "eliminate"), which bears the radical "water", and not the character "吻" (meaning "kiss") with the radical "mouth". This is a problem caused by their Cantonese pronunciation. Since there is the "kiss of death", I do not want to be kissed by Judas. I reiterate, I am using the Chinese character "泯", which bears the radical "water", for I do not want the kiss of Judas. What is the problem I want to raise now? Why do I request for a reduction of the salaries of government officials under Matthew CHEUNG?

The governance of the Government includes the ethic component and the historic component. Chairman, in respect of historic component, I cannot but quote the speech of an extremely wise man to support my argument and to prove the long history for striving for universal retirement protection. I quote to the effect that, "There are a large number of elderly people in Hong Kong who lacks family support and appropriate assistance to solve their livelihood-related problems. In fact, one fourth of the poor population in Hong Kong is over the age of 65. Under the existing Comprehensive Social Security Assistance (CSSA) Scheme, the total assets value of an applicant is subject to rather stringent restrictions. For many elderly people, they can only save several tens of thousands of dollars in their whole lives. However, this sum of money is not intended to be spent for there is no universal retirement protection system in Hong Kong. Though it may sound somewhat offensive, this sum of money is considered by many elderly people as the last stakes saved for their funeral and they dare not spend even a cent of it." He went on to elaborate his point and said finally, "I have to take this opportunity to reiterate that a comprehensive universal elderly retirement protection scheme is essential to Hong Kong in the long run". These remarks were made on 21 November 2001 by the leader of the then Democratic Alliance for the Betterment of Hong Kong, Comrade Jasper TSANG, who was not yet the President of the Legislative Council back then.

¹ Translator's note: The original text for the translation "to settle the score" is "一泯恩仇", which share the same pronunciation with the character "吻" (meaning "kiss") in Chinese.

Chairman, it has been 13 years since you made the above remarks in 2001. Those were the remarks in 2001 ... I was in jail back then. What wrong do I have by quoting your remarks?

CHAIRMAN (in Cantonese): Mr LEUNG, I have to remind you once again that you should not dwell on the discussion of policies, for you are now talking about the reduction of the remuneration of the relevant government officials.

MR LEUNG KWOK-HUNG (in Cantonese): Since you made a long speech back then, so my speech has to be long. Had your speech been much more precise, cutting the long story short, simply stating the incapability and unrighteousness of the Government, I might have saved my breath. You could have simply said "go away", but you had not, so I cannot but quote the original text. Had you simply said "go away" back then, I would have quote the same. Is it necessary to distinguish quotation of others' remarks by length? Indeed, I have deleted the middle part of the paragraph to avoid embarrassing you. Chairman, time flies, it has been 13 years since you made these wise remarks. The cycle for the Year of Monkey to another Year of Monkey takes 12 years, and it takes five cycles to complete the Chinese sexagenary cycle. Five times 12 years means 60 years, and it will soon be over 60 years. Please think about this: You are somehow respectable, yet they do not take your views, so what should be done? Why made me repeat this to you here today? I know you can speak now, yet you may be thinking, "I have to take this opportunity to reiterate that a comprehensive universal elderly retirement protection scheme is essential to Hong Kong in the long run ...

CHAIRMAN (in Cantonese): Mr LEUNG, you should not make long speech on the policy. Please speak on your amendments.

MR LEUNG KWOK-HUNG (in Cantonese): I understand. I base my amendments on reasoning, which means there should be justification. The figures will be provided later, but the justification for argument is already there.

Your remarks in 2001 have been picked up by LEUNG Chun-ying in 2012. After 11 years, he talked about the setting up of a certain fund in the long run.

Would his remarks cause any trouble? No. But to John TSANG, it is troublesome. John TSANG has received guidance from Jasper TSANG, and Jasper TSANG has enlightened LEUNG Chun-ying. Yet when LEUNG Chun-ying instructs John TSANG in turn, John TSANG does not listen to him. Secretary Matthew CHEUNG watches the quarrel between the brothers and the fight between fiends without saying a word ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have mispronounced the character "鬭" (jik¹) (meaning argue) as "兒" (ji⁴) (meaning child).

MR LEUNG KWOK-HUNG (in Cantonese): Any problem with my language usage? Is the phrase "fight between fiends" problematic?

CHAIRMAN (in Cantonese): You have mispronounced one of the characters in the first idiom you used. The pronunciation of the character with "兒"(ji⁴) inside "鬥" (dau³) (meaning compete) is not "兒"(ji⁴).

MR LEUNG KWOK-HUNG (in Cantonese): Please teach me.

CHAIRMAN (in Cantonese): Mr LEUNG, please do not deviate from the subject. You should speak on the series of amendments you have read out earlier. If you continue to discuss the universal retirement protection in a lengthy manner, I will stop you.

MR LEUNG KWOK-HUNG (in Cantonese): The Government has spent a lot of money on national education.

CHAIRMAN (in Cantonese): Since you say you do not have enough time for your speech, I suggest you make good use of your time to express the views you have not yet presented.

MR LEUNG KWOK-HUNG (in Cantonese): I need to say no more. During the 13 years since you made the remarks, has anyone ever repeated your remarks, Buddy?

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating your point.

MR LEUNG KWOK-HUNG (in Cantonese): Your remarks in the past were also repetitions, yet they have not been realized. Chairman, I know you will exert pressure on me. However, are we pretending to be crazy and silly today to express our views via the reduction of the remunerations of the Secretary? I think the public will give a fair deal to this. John TSANG is the Financial Secretary, yet he turns a blind eye to the calamity faced by the elderly and a deaf ear to the advice made by people who have empathy with the elderly. He even gloats about asking people to go away. This is what I want to say to him: "Shut up"!

CHAIRMAN (in Cantonese): Mr LEUNG, you have deviated from the subject.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, have I deviated from the subject? Alright, I will calm down. The joint debate today will end in two hours. Honestly, I do not know how we can finish expressing our views about these subjects. But since your Honourable consider it practicable, we will finish it.

Chairman, I will not allow them to enjoy a peaceful meal. Please do 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 Yiu-chung, you may speak now.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I will speak on the amendment proposed by Mr LEUNG Kwok-hung on "Head 170 — reducing the expenditure of \$40.3 million for the Social Welfare Department, approximately equals to the estimated expenditure for the service team responsible for monitoring residential care homes for the elderly (including private residential care homes) under the Licensing Office of Residential Care Homes for the Elderly".

Chairman, I think the monitoring team is a big regret, since it has failed to fulfil its duty in monitoring private residential care homes for the elderly. Around two year ago, I told the colleagues of the Social Welfare Department (SWD) that many elderly homes had failed to take care of certain needs of their residents, particularly deaf-mute residents. More often than not, deaf-mute elder persons who need to live in elderly homes will be assigned to a ... each elderly home can only take in one or two deaf-mute elderly residents — it is uncommon to take in two such elderly residents — each elderly home will usually take in only one deaf-mute resident. However, if the deaf-mute resident is the only deaf-mute person in the elderly home while other residents are normal, the deaf-mute resident will have no way to communicate with others, which will bring forth a lot of problems in this daily life.

I know a deaf-mute elder person who started suffering from depression not long after he moved in an elderly home. The main cause is that he cannot communicate with others. Since no one in the elderly home knows sign language and he is illiterate, he has no way to communicate with others. Even his carers do not know sign language, and he is thus left with no means to communicate with others, and he does not know what he can do about it.

In addition to the failure in communication, the facilities are very unfriendly to him. Take the fire alarm as an example. The fire alarm can only set off siren alert but not flashlight alert. In the event of fire, this deaf-mute resident will not know of the fire and he will not understand it, for he cannot hear the siren alert. Besides, if he feels sick, he cannot tell the nurses, for the nurses do not know sign language. Since he cannot express his illness to the carers, he suffers from depression, which has caused a lot of residual defect. Worse still,

once he fell off from his bed accidentally while sleeping at night, but he could not tell anyone. He could not move, nor could he call for help. He had waited for a long time before someone discovered him. This reflects that the care provided by residential care homes for deaf-mute elderly persons is extremely poor. Regrettably, despite our notification of the SWD about these problems, the SWD has done nothing to address them. The SWD simply allows these problems to persist and only responds to us by saying, "We will make arrangement and adjustment as far as possible." However, several years have passed, and the problems remain and no improvement has been made. In this connection, is there dereliction of duty on the part of the team? If we continue to grant them the large sum of provision, will they be able to fulfil their duties effectively? I doubt that.

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

Deputy Chairman, I would like to raise a point of order. Are the objects displayed in this Chamber related to this debate?

DEPUTY CHAIRMAN (in Cantonese): Whether the objects displayed are related to the meeting, Members may have different views. The objects displayed have been approved by the Chairman for putting here, and I consider the size of these objects still appropriate. I have seen some objects displayed of a bigger size. Mr LEUNG, please continue.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy Chairman, the Chairman did not say these objects were allowed earlier. The objects are here because I have not yet raised a point of order. I now raise a point of order: Are these objects displayed related to the debate? The Chairman said last time that all objects displayed would be allowed provided that they were related to the debate.

DEPUTY CHAIRMAN (in Cantonese): I consider that they are related. Please continue.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy Chairman, which object displayed do you consider related? Is the one showing a number related?

DEPUTY CHAIRMAN (in Cantonese): Which object displayed do you consider irrelevant?

MR LEUNG YIU-CHUNG (in Cantonese): The one on that side.

DEPUTY CHAIRMAN (in Cantonese): How about the one in front of Mr LEUNG Kwok-hung?

MR LEUNG YIU-CHUNG (in Cantonese): I cannot see the word on it. I only see some numbers.

DEPUTY CHAIRMAN (in Cantonese): I can see it clearly and that is why I consider it related. Please continue.

(Mr LEUNG Yiu-chung remained silent and did not continue)

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, if you do not speak, I will ask another Member to speak.

MR LEUNG YIU-CHUNG (in Cantonese): It is now my ... even though I remain standing, it is my speaking time. Deputy Chairman, you cannot disallow me from speaking simply because I do not speak. This 15-minute slot belongs to me.

DEPUTY CHAIRMAN (in Cantonese): This is a time for you to speak. If you do not speak, I will instruct you to stop.

MR LEUNG YIU-CHUNG (in Cantonese): I need to think, Deputy Chairman, will you allow me to think? I want to do some thinking yet you disrupt me. When I raise a point of order, you do not address it. Now when I want to think, you do not allow me to do so. This is my time, and I have 15 minutes to ...

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, have you finished thinking?

MR LEUNG YIU-CHUNG (in Cantonese): I am still thinking.

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, please stop speaking.

MR LEUNG YIU-CHUNG (in Cantonese): Why? I am now going to talk about ...

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, please stop speaking.

MR LEUNG YIU-CHUNG (in Cantonese): ... reduction ...

DEPUTY CHAIRMAN (in Cantonese): You may speak again after you think thoroughly. Does any other Member wish to speak?

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I request for a headcount to establish the quorum, so that Mr LEUNG will have the time to think.

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): Does any other Member wish to speak?

MR LEUNG YIU-CHUNG (in Cantonese): Deputy Chairman, I just mentioned that ... Sorry.

Deputy Chairman, just now, I mentioned the reduction under head 170 involving a sum of \$40.3 million, which is mainly related to the dereliction of duty of the team responsible for monitoring residential care homes for the elderly under the Licensing Office of Residential Care Homes for the Elderly. Just now, I spoke on the problems faced by a deaf-mute resident in a case. Actually, I have been following up this case with the Social Welfare Department (SWD) for many years, yet no improvement has been made so far.

Which areas have not been improved? First, no improvement has been made concerning fire prevention so far. Many of the private residential homes are still using fire siren alarms but not fire flashlight alarms. This is unhelpful to deaf-mute residents. Second, no education on sign language is provided. For this reason, there is no communication among residents, whereas carers cannot communicate with the resident concerned. The deaf-mute residents in these residential homes often feel at lost. More often than not, they cannot express the difficulties they encounter in everyday life. Third, the deaf-mute resident does not have group life. They have to while away their time alone and they will easily suffer from depression or other symptoms, which is utterly not in their benefit.

Apart from the request of improving the facilities and equipment in these residential homes, may we also request the authorities to allow more deaf-mute residents to live together in a resident home? In fact, the arrangement and co-ordination required are simple, yet it has not been achieved over the years. In my view, if these problems persist despite the existence of the so-called monitoring team, as if there is no such team, why should provision still be provided? So, in this regard, I support Mr LEUNG Kwok-hung's proposal on the reduction of this expenditure item.

As for the reduction of \$4 million and \$2 million under Head 49 — Food and Environmental Hygiene Department (FEHD), they equal to the estimated expenditure for staging promotional activities in public markets for the year and for six months respectively. Why do I consider it necessary to reduce these two

expenditure items? The most important point is that I do not know what merits they can promote about public markets, for most of the stalls in public markets have been left vacant. Members will notice that the inadequacy of the facilities in public markets has deterred consumers from patronizing these markets. This lead to the vicious cycle where the number of stalls keeps dropping and consumers stop shopping in markets due to the limited choice. Under this vicious cycle, the operation of market is extremely poor.

Why would it come to such a poor state? One of the reasons is the lack of air-conditioning in public markets. Members will notice that private shopping malls or private markets are provided with air-conditioning, which is not provided in public markets. It is not that all markets are not provided with air-conditioning, but that a number of criteria have to be met to confirm the provision. First, it requires the consent of over 80% of stall owners for the installation of the facility. Second, apart from giving consent, stall owners have to agree with the additional condition of paying the future expenses on electricity. They are not only required to bear the electricity of their stalls but also that of the public area. Stall owners thus find themselves incapable of coping such cost.

It is not that they are unwilling to contribute; it is only that they cannot afford it. Even if the arrangement may bring in businesses, they are not sure if they have the ability and extra resources to pay the electricity tariff. Members know that electricity tariff is not cheap and it is charged on a daily rate. Stall tenants pay their electricity tariff by quarters. Even if the amount paid is in excess, the FEHD will still charge the same. Due to these requirements, stall tenants worry about their affordability and thus disagree with the installation of air-conditioning. As a result, markets are not provided with air-conditioning and consumers do not patronize these markets.

In fact, a few years ago, an incident happened in Wing Fong Street Market. A consumer patronizing the market fainted due to the heat and stuffiness there. Such incident did happen. Come and think about this: with such inadequacy of the facilities in markets, how will there be good operation in markets? If the operation is so undesirable, why should we spend a large sum on the promotion of these markets? What are the points to be promoted? It will be a waste of money. Even with these promotional efforts, the public will not patronize the markets, which means the promotion will be ineffective. Therefore, I think the provision for these two expenditure items are redundant.

However, I disagree with another amendment proposed by Mr LEUNG Kwok-hung on the reduction of an expenditure of \$15.75 million. This expenditure item equals to the estimated expenditure for the improvement works at five markets for six months. I think the reduction of this expenditure item is undesirable. As I said earlier, the poor facilities in markets have led to undesirable operation. If the expenditure is reduced to prevent the implementation of improvement works at markets, what will happen to these markets? The operating environment of these markets will continue to deteriorate. For this reason, I think the provision for this item should not be reduced but should be increased instead. Why should the provision be increased? The increase in provision will provide adequate resource for improvement works at markets, particularly the installation of air-conditioning. Otherwise, consumers will be unwilling to patronize these markets.

Regrettably, is the Government willing to do so sincerely? If the Government is sincere in making improvement, it should change the existing policy, that is, the policy on the installation of air-conditioning facility which I mentioned just now. Despite my request for change of existing policy made repeatedly to the FEHD, it on all accounts refuses to accept it. If the FEHD is unwilling to do so, I really do not know what I can do to improve the operation of markets. Even if additional provision is provided to the FEHD now, it will just be made redundant if the FEHD is unwilling to improve the environment of markets. If an increase in provision is redundant, I will eventually agree with the reduction of such expenditure, for it will let the FEHD understand that the provision can be put to better use and that if the provision is to be wasted, it may as well be reduced.

Deputy Chairman, regarding the various so-called expenditure of government departments, we do not really want to reduce the provision for the departments concerned. But we have no alternatives. Since they are unwilling to address the requests of the public in improving the actual situation and facilities, we cannot but press them to review their policies by reducing their provision. However, I think we Members should not propose provision reductions only, for sometimes increases in provision will be desirable for certain items. How can a department operate in the shortage of provision? If the expenditure for a department is just second-rate, it will fail to operate desirably, which will be even worse.

Regrettably, it is not within the purview of Members to request the Government to increase provision, that is, the allocation of additional funds to department by the central government. But since we cannot propose an increase in provision, we request a reduction. This is one thing we can do in the helpless situation.

Deputy Chairman, these are my remarks on these amendments.

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

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, first of all, I wish to respond to the speeches made by Mr LEUNG Yiu-chung and Mr Tony TSE. Actually, we have repeatedly explained the logic we use when we propose our amendments. If when the performance of a department or a policy is not satisfactory, or when it is unable to meet the requirements, fails or is poor, there are some possibilities. One is that the resources are not enough, and therefore the requirements cannot be met or the performance is poor, and more funding is needed. But that does not appear often. Apart from the dental service which we have mentioned, in most cases, the many problems found in the officials in charge of the policies in question or the departments themselves are fraught with problems. The idea to reduce the financial provision to \$1,000 is almost like a request to disband the department concerned. After the department concerned is disbanded, will the relevant work be not attended to or it should not be taken care of? Of course not. The Government should think of some ways and adopt some more effective means to handle the matter.

(THE CHAIRMAN resumed the Chair)

If Members still do not see the point, I will cite a very simple example. The South Korea President PARK Geun-hye disbanded the coast guard after the ferry disaster. Some people may ask: If the coast guard is disbanded, does it mean that there is no need to carry out any rescue operation and disaster victims will be left to die? Of course not. As the performance of the department is bad but rescue action cannot be taken, the department has to be disbanded. The

problem is to be addressed right away by using systems and resources of a higher level and efficiency. Chairman, I wish to explain this simple line of reasoning because even up to now there are still many people who do not see the point. They ask why I say that a certain thing is important but at the same time I ask for a total cut of the provision for it or its reduction to only \$1,000. I hope that when Members see the point, they will not use the time to debate with us on this point.

Then I will speak on Amendment No 222 proposed by Mr WU Chi-wai about Head 49 — Food and Environmental Hygiene Department, that is, "Resolved that head 49 be reduced by \$5,000,000 in respect of subhead 000". That is to say, it is the provision roughly equal to that of half of the estimate for outsourcing contracts entered into by the Food and Environmental Hygiene Department (FEHD) for the three-coloured recycle bins. I understand that Mr WU Chi-wai proposes to slash half of the provision is to penalize the department and he does not want to cut all its expenditure. If I could propose an amendment now, I would request that all of the provision for the department be reduced. On the reasons why Mr WU Chi-wai proposes this amendment, he has briefly talked about them in his speech and this is mainly due to the fact that the FEHD is now in a new phase of the tender exercise on the three-coloured recycle bins and so he proposes that the provision should be cut. But the amount is actually determined by the contract last year.

The first charge is that the recycling company is cheating. In 1998 the SAR Government launched the Solid Waste Reduction Master Plan. Three-coloured recycle bins are placed in various districts. Now there are more than 16 000 sets of these bins placed all over Hong Kong. Apart from those found in public and private housing estates, most of the 4 600-plus sets of the remaining bins are handed over to the contractors. What we want to focus on are those bins of the contractors. What is worth mentioning is that the FEHD has added certain new terms and conditions in the tendering exercise this time, stating that the new contractors must use transparent plastic bags to contain the recyclable materials in those bins. This will enable people to see what is inside the bags easily. It is also required that the tenders should nominate one or two recycling operators with shredders and packaging machines to take over the materials from those bins. Why is there such a change? This is because the Government knows that problems have emerged. It was due to the fact that in May last year, some citizens found out and told the media that workers from the contractors discarded the recycled materials into the refuse collection points after

they had cleared those three-coloured recycle bins. The reporters then opened the bags containing the recycling materials and they found that those bags contained not only plastics which were not that easy to recycle, but also papers, soft drink cans, milk powder cans, plastic bottles and so on. All these materials had been separated by members of the public on purpose but in the end they were all thrown in the refuse collection points.

The contractor concerned was awarded contracts as the official recycler of the FEHD for four times, totalling eight years under the principle of awarding the contract to the bidder with the lowest price offered. In the first 11 months last year, the contractor received 153 warning letters and notices of failing to perform duties. The boss of the company also admits the practice done by his workers. He says that some of the recycled materials will eventually be disposed of in the landfills. This is ridiculous. And he says that this is something done with reluctance. The reason is that the Mainland has launched the Operation Green Fence and enforcement action from the Mainland Customs is increasingly strict. All materials such as old clothes, electronic waste, plastic waste and so on are prohibited from importing into the Mainland because they may pollute the environment. Therefore, a large amount of waste intended for export and re-export from Hong Kong is stranded here. This exerts a tremendous pressure on the local recyclers and the landfills. He also says that aluminium cans and waste paper found in the three-coloured recycle bins are mixed with many other kinds of waste and refuse. As for the plastic bottles, no one wants to recycle them because workers are needed to clean the recycled materials and the cost is high. Therefore in the end he can only dump the recycled materials which fail to meet the requirements into the refuse collection points.

For external factors which cannot be solved, such as the refusal of the Mainland to receive the recycled materials, I would think that it is understandable if these recycling companies cannot do anything about it. But if they are cheating, it is impossible for them to shift the blame and this is unforgivable. This makes many citizens who want to separate waste cease to trust the three-coloured recycle bins system. This is what the greatest wrong done. When the Government has put in so many resources and so much money to promote the campaign, the actions eventually taken by these contractors have destroyed the entire system. When I talk about waste separation to people, they say that it is no longer needed. In the end the three bins will become one and all the wastes are dumped into the refuse collection points or the landfills. This is

what will happen in the end. It only makes people feel good by thinking that when they dispose of plastic bottles, aluminium cans and waste paper separately, this helps in recovery and recycling.

In the new tender exercise, the authorities have made some improvements to impose strict regulation on these recycling contractors. If the companies do not have the capacity to handle these recycled materials, the Government should not award the contracts to them. It should even recall all these recycle bins and cancel the scheme and stop cheating the citizens. The Government has the responsibility to find a way out for these waste materials so that public confidence in the recycle mechanism will not be shattered. Actually, the problem about waste plastics is getting more and more serious ...

CHAIRMAN (in Cantonese): Mr CHAN, your speech is too lengthy on a specific policy. Please focus on the amendments.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, the three-coloured recycle bin is one specific policy and I want to focus on that particular policy. How can I discuss it if I do not point out each one of its deficiencies? I would very much hope that the Chairman can enlighten me on this.

CHAIRMAN (in Cantonese): Please say again which amendment you are speaking on.

MR CHAN CHI-CHUEN (in Cantonese): The amendment I am talking about is Amendment No 222 proposed by Mr WU Chi-wai that head 49 shall be reduced by \$5 million in respect of subhead 000. This is equivalent to half of the expenses in the three-coloured recycle bins contracts entered into by the FEHD.

CHAIRMAN (in Cantonese): I can see the relevant amendment. You are right. Please continue.

MR CHAN CHI-CHUEN (in Cantonese): Thank you, Chairman. Ever since the Mainland has put into force a stricter recycling action called Operation Green Fence, the plastics resources regeneration centre operated by the Yan Oi Tong from a funding of \$25 million is filled with waste plastics. The maximum handling capacity of the plant is only 20 tonnes per day. But the amount of waste plastics which has piled up in the plant and which the plant is unable to treat is as much as 2 000 tonnes and this problem can only be addressed by an invitation to tender.

However, the recycling trade is facing the same problem. As a matter of fact, it is not possible to make any profits from waste plastics. Therefore, the final destiny of waste plastics is in the landfills. Recently, the Mainland seems to have relaxed this Operation Green Fence which is a policy on the trading of waste materials. But the export of waste plastics in Hong Kong is facing problems of very expensive transportation fees and high costs in customs declaration. This has rendered it impossible for people to make any profits from waste plastics. In the end, waste plastics which are low in value are dumped into the landfills. This is a serious waste of public money. Green groups and recyclers criticize that this incident of the Yan Oi Tong plant filled with waste plastics has served to expose the serious deficiencies in overseeing the Government's waste recycling policy and also in public education. The result is that the citizens have not done a good job in the initial work in waste separation at source. Some green groups point out that if the Government does not face the problem squarely, the Yan Oi Tong incident will only recur. That is why Mr WU Chi-wai wants to slash half of the provision in the hope that the Government can be forced to reflect on the problem and either withdraw the policy or make it better.

According to overseas experience in household waste recovery policy, the residents there will separate and clean the waste and hand over it to the recyclers. For many years, however, the Government has not educated the citizens with respect to the correct use of these three-coloured recycle bins. Many citizens just treat these bins merely as rubbish bins and the result is that the effect is considerably weakened. The Government has not fulfilled its responsibility in the recycling process. Now the Secretary WONG Kam-sing announces that a levy will be imposed on household waste. If that happens, the amount of waste put into these three-coloured recycle bins will certainly surge. The related problems will go from bad to worse. If the authorities want to place more rubbish bins, they should go about doing this and they do not have to give these bins a fancy name as three-coloured recycle bins. Money has to be paid for the

contractors and other costs and subsidy has to come from the so-called Green Fund. In the end, these resources are not used as resource recycling bins but simply garbage bins. Now the citizens have got used to using three-coloured recycle bins as rubbish bins and there is no monitoring mechanism to require citizens and recyclers to do better. This is really doubling the efforts made while achieving only half of the desired outcome.

We can all see what the concept of environmental protection in the people of Hong Kong is like. It is just brown for plastic bottles, yellow for aluminium cans and blue for waste paper. It is just that concept and nothing more. But do we know that plastic bottles are made from many kinds of plastics? In a plastic bottle, its cap, ring and wrapping paper belong to different kinds of waste. In a foreign place such as Taiwan, the Government will teach the citizens to cut down the wrapping paper and the plastic ring and then separate the plastic cap. There are three kinds of recycling. If the citizens cut the wrapping paper and the plastic ring and put them into the recycling bin, the plastic bottles can actually be pressed into plastic beads at once and then compressed into plastic bricks, and then these can be sold in the Mainland or other places. This is workable. But since there is no such policy, the plastic bottles recycled will pile up and the recyclers have to cut the wrapping paper and plastic rings and then press them into plastic bricks. What will happen if the number of such bottles cannot be treated promptly? In the end, they have to be sent back to the refuse collection points and then to the landfills.

It has been pointed out that there is no such thing as rubbish in the world and rubbish is only resources misplaced. I agree with this idea. Even if we say that certain things are rubbish and they are used to feed dogs, these things are all resources. So there is no such thing as rubbish in this world. It is only that there is no policy to treat the wastes properly.

Government policy in Hong Kong is only the first step taken and like the example I have pointed out earlier — I do not think I need to repeat the example of Yan Oi Tong — the recycling trade can start to recover waste when they have got land from the Government, but the final resting place of the wastes is still unknown. The rubbish recovered is not used for recycling and reuse. It is sent to the landfills. This shows three things. First, a lot of manpower is required for separation and cleaning in order to ensure efficiency. Second, there are numerous ways to turn wastes into useful materials and hence there is a need for

technology and support from the science and technology sector. Third, there must be marketing and market surveys and the Government has a responsibility to ensure that the wastes will have a market. It should resort to internal diplomacy or foreign policy in overseas places or the Mainland to promote and urge that the recycled wastes are used by people. Now the authorities do not care about these three things and they just put in resources to the contractor companies. When things are briefed out, the mentality of the authorities is that when dirty things are not seen, they are regarded as clean. They authorities do not care about how well or badly these contractors do and the authorities are convinced that they have done their part in environmental protection. Had the scandal not been uncovered by the reporters, the citizens would never come to know such classic examples.

Nowhere in the world wants to import rubbish. It means that no countries would want to import rubbish first and then cut the caps and wrapping paper from the plastic bottles for separation. Therefore, if we cannot treat these wastes properly, no one would want to receive them. The Administration should use its resources properly instead of merely setting up a Green Fund and a \$1 billion Recycling Fund and then claiming that it has done its part to help the trade develop, while doing nothing with respect to the three things I have just said. The Administration only tries to force its way through by saying at the Public Works Subcommittee that there is an urgent need to commence projects of the three landfills and one incinerator. It has not done anything to reduce waste at source and the scheme about three-coloured recycle bins is coming to a failure. Such is the policy of the SAR Government on environmental protection and the recycling of resources. Therefore, I hope Members can support this amendment proposed by Mr WU Chi-wai to cut half of the provision in the briefing-out contracts regarding three-coloured recycle bins which is equal to \$5 million.

CHAIRMAN (in Cantonese): This is the end of the third joint debate. I will first ask the public officer to speak and I will ask the Members who have proposed their amendments to speak for the last time.

(The public officer indicated that there was no need to speak. Mr Albert CHAN raised his hand to indicate that he wished to speak)

CHAIRMAN (in Cantonese): Mr Albert CHAN, do you wish to speak again?

MR ALBERT CHAN (in Cantonese): Chairman, in the debate held just now, there is still a topic which I hope to discuss and that is on the part of the social welfare sector. May I ask if you would allow me to speak again?

CHAIRMAN (in Cantonese): I give my permission for you to speak for the last time.

MR ALBERT CHAN (in Cantonese): Chairman, I only wish to add a few words to the issue of three-coloured recycle bins raised just now.

I have voiced my criticisms a number of times and the main problem is that the Government uses large black plastic bags to hold the plastic bottles and paper in these three-coloured recycle bins. This is an absurdity in the highest order. In addition, I also oppose the adoption of the outsourcing mode. There are several amendments related to the services of the Food and Environmental Hygiene Department (FEHD), including pest control and collection of refuse. All these services are provided in the outsourcing mode. I have a series of information showing that only the contractors stand to gain the benefits ultimately, whereas front-line workers are deprived of their rights and the pay and cost-effectiveness are also on the low side.

Simply put, Members may not know that the expenditure for pest control is \$150 million for a year. On the basis of approximately 10 000 rats caught successfully by the FEHD, the average cost of catching one rat is \$15,000. Of course, this does not include the expenditure for killing rats. The urban design of Hong Kong nowadays is different from that in the past and the problems posed by rodents is also significantly different from those two or three decades ago, so drastic changes should be made to the relevant mode and the allocation of resources.

Chairman, I will now switch my topic to the issue of Lump Sum Grant Subvention System (LSGSS). The relevant Amendment is No 1035, which states that it is resolved head 170 be deducted by \$470 million in respect of

subhead 000 to deduct an amount approximately equivalent to the annual estimated expenditure for enhancing the LSGSS of the Social Welfare Department (SWD).

Chairman, the LSGSS has been debated in the social welfare sector for over a decade and it has had disastrous effects on the social welfare sector, particularly on front-line workers. Of course, to the executive departments, it can be said that the LSGSS has provided a safe that is accessible at any time, so that the money can be withdrawn at any time and the hard-earned wealth of the public hoarded by them can be taken out and enjoyed privately at any time.

A number of past studies found that ever since the implementation of the LSGSS, firstly senior employees were dismissed without grounds because the more senior an employees, the higher his salary according to the pay scale. The executive departments have absolute power in dismissing them and hiring more junior and even less qualified people, so that the savings can be put in the safe. Therefore, senior staff members were dismissed. This is the first point.

Secondly, some newly hired employees may not meet the qualification requirements, including academic qualifications, not to mention experience. Thirdly, since the employment opportunities and salaries for employees are on the low side, coupled with the fact that some staff members are hired on a contract basis ... in the past, front-line staff members of the SWD were virtually all employed on a permanent basis but of course, if the performance of staff members are not up to par, the SWD can terminate their employment but at that time, they were not employed on one-year or two-year contracts. However, ever since the implementation of the LSGSS, the number of staff members hired on contract basis increased, thus resulting in a drastic decline in job security and a sense of belonging among staff members.

The work attitude of front-line staff members will surely affect the quality of service but the aforementioned situation has significantly increased the benefits for executive departments, and therefore a very unfair situation has arisen. Real examples show that after the executive departments had saved some money, they renovate their offices luxuriously. On the one hand, the executive departments hoard the hard-earned wealth of the public; on the other, they exploit the salaries and allowances for front-line staff members. Since expenses have been reduced, they put the excess money in their own till as savings. Then, not only did they

renovate their offices luxuriously, they also arranged various types of overseas visits or studies for their own staff members. Such a situation of "fattening the top and trimming the bottom" made front-line staff members of the whole social welfare sector ... maybe they have taken a page from the book of the senior management of the Government or taken a page from Donald TSANG's book of land, sea and air corruption scandal and as a result, elderly people have to scavenge for cardboard paper. This kind of unfairness has shifted from the senior management of the Government to the social welfare sector, thus resulting in disastrous effects on the social welfare sector.

Although, the Government will implement the Best Practice Manual after petitions, demonstrations and protests launched by various parties, the reason for the Government to formulate the Best Practice Manual is that it is aware of thieves, so it has formulated the Best Practice Manual and wants to make this bunch of thieves follow the Best Practice Manual when going about their business, so that they will no longer act as thieves.

The LSGSS is really absurd. In the past, the amount of subsidy was determined according to the median of the salaries of employees in the social welfare sector and such an arrangement had been in place for several decades. A similar mode is also adopted in the education sector. However, the Government and some political parties and groupings, in particular, some shameless Members in the legislature, felt that social workers could be bullied, so teachers are allowed to retain their past mode of subsidization.

I want to take this opportunity to strongly condemn the changes made by the Government to its policy on subsidization and the way it bullies those who are kind and fears those who are firm, as well as its bullying of front-line social workers. Social workers, teachers and doctors are all professionals but among the various types of professionals, only the mode of subsidization for the social welfare sector has been changed to the LSGSS, whereas the modes of subsidization for other professions, such as the healthcare profession, have remained unchanged. This arrangement definitely targets and discriminates against the social welfare sector. It is not favourable to the provision of social welfare services at all. Therefore, I wish to take this opportunity to express my support for the deletion of this item of estimated expenditure, so as to be fair to social workers.

I also wish to talk about Amendment No 681, which states that it is resolved head 140 be deducted by \$1,906,200 in respect of subhead 000 to deduct an amount approximately equivalent to the annual estimated expenditure for the starting salary for the Head (Healthcare Planning and Development Office) of the Food and Health Bureau (Health).

Chairman, I support this amendment proposed by Mr LEUNG Kwok-hung. I oppose the concept of Health Protection Scheme (HPS) and the implementation of this scheme. The relevant estimated expenditure will be used to pay the Head for overseeing the formulation of institutional, regulatory and legislative proposals for the implementation of the HPS. But since I oppose the HPS in principle, I agree with and support the deletion of this item of estimated expenditure.

Mr LEUNG Kwok-hung also proposed Amendment No 694, which states it is resolved that head 141 be deducted by \$12.2 million in respect of subhead 000 to deduct an amount approximately equivalent to the annual estimated expenditure for the Office of the Secretary for Labour and Welfare (Director of Bureau's Office).

Chairman, Members may not have noticed that the revised estimate under this head was \$8.3 million last year but this year, it has increased to \$12.2 million, an increase of 47%. The Director of Bureau's Office has increased its estimated expenditure significantly by 47%. But what should elderly people, recipients of CSSA and the "five have-nots" do? That kind of high and mighty ... on the last occasion, I criticized the increase in the estimated expenditure for the Offices of the Chief Secretary for Administration and Financial Secretary by 18%, but the Labour and Welfare Bureau is responsible for taking care of poor people, so the Director of Bureau's Office can propose as bold as brass that the estimated expenditure be increased by 47% without drawing a lot of concern and criticisms. The relevant estimated expenditure covers the expenditure for a Chauffeur and I have not yet talked about the various additional senior posts, including Personal Assistants, Senior Personal Assistants, Executive Officers, and so on. The Labour and Welfare Bureau is responsible for taking care of the poor, the grassroots and exploited workers but it is miserly in this regard and no action has been taken. However, it can increase the expenditure for itself heftily.

On seeing that the Secretary for Labour and Welfare ... Chairman, nowadays, Secretaries like very much to write blogs and when I read their blogs, I think they would all become men alienated from society. Be it Directors of Bureaux or Secretaries of Departments, whenever something happens, all they know is to write blogs, instead of coming out to face the public or giving accounts in the legislature. Generally speaking, they would be boastful in blogs, bragging about the achievements of their policies. In sum, it can be said that the entire Government is far removed from the public, not knowing the miseries of the public and the sufferings of the grassroots. In contrast, under the lead of the consul-general of the United States, some consuls-general, in conjunction with the consul-general of the United Kingdom, went to Sham Shui Po to visit "Brother Ming" to see how he hands out lunch boxes.

Apart from having chauffeur-driven sedans to drive them around, senior officials in Hong Kong only know how to write blogs. Such a trend is extremely infuriating and unacceptable. Fortunately, Chairman, you have not got into such a bad habit. Although you definitely write better than they do ...

CHAIRMAN (in Cantonese): Mr CHAN, how is your speech now related to the amendment?

MR ALBERT CHAN (in Cantonese): It is related. Mr LEUNG Kwok-hung's amendment requests a deduction ...

CHAIRMAN (in Cantonese): The amendment is related to a deduction of the expenditure for the Director of Bureau's Office. How is your speech related to the amendment?

MR ALBERT CHAN (in Cantonese): The amendment seeks to deduct an amount approximately equivalent to the annual estimated expenditure for the Director of Bureau's Office. Since the estimated expenditure for the Director of

Bureau's Office has been increased — I did not comment on the various posts involved one by one — but the Labour and Welfare Bureau has not done its work properly, nor is the performance of the Secretary satisfactory, and the recipients of the relevant policy areas have not been cared for properly either, so I support this amendment seeking to deduct the estimated expenditure of \$12.2 million.

Chairman, I am now going to discuss the two amendments proposed by me, that is, Amendment Nos 690 and 697 seeking to deduct about \$77 million and \$4 million in estimated expenditure respectively. The latter is the annual estimated expenditure for the allowances under the personal emoluments for the staff of the Labour and Welfare Bureau and the former is the annual estimated expenditure for the salaries under the personal emoluments of the staff of the Labour and Welfare Bureau.

Chairman, the justifications advanced by me are actually very similar. I am not going to elaborate on them in detail but basically, concerning the relevant work target, including such areas as "preserve and strengthen the family", "improve the Old Age Living Allowance of our elderly citizens ..." — or rather, "improve the quality of life of our elderly citizens ..." — "provide a social safety net of last resort to ... the financially vulnerable;", "facilitate and encourage the full participation and integration of persons with disabilities into the community" and "protect children in need of care", a lot of figures show that in the past few years, and last year in particular, the situations of the recipients did not see much improvement.

Since the efforts of the Labour and Welfare Bureau in its own policy area have failed to provide due care to the public and the quality of its services is also unacceptable, I propose Amendment Nos 690 and 697 to express our dissatisfaction with the relevant services and the poor handling by the people concerned.

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

MR LEUNG KWOK-HUNG (in Cantonese): Yes, but the audience are paying scant attention, so I hope more people can listen to me speak. A headcount please.

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): It is now already 2.38 pm, more than half an hour past the time originally set for the end of this joint debate. According to the usual arrangement, before the end of the debate, I would call upon government officials to speak first, then let Members who proposed their respective amendments speak for the last time in response to the speeches of government officials. Although in this joint debate, no government officials request to speak, I have still adopted a more generous approach by allowing the Members who proposed their respective amendments to speak again. This is because earlier on, the Members concerned said that since I had announced the prescription of time limits for the debates only this morning, they needed time to reorganize their speeches. I consider this reasonable. Unfortunately, my goodwill has not been reciprocated. A Member has still requested me to count the Council, thus consuming more than 10 minutes of the legislature's time. Having learnt from this experience, I will adopt a stricter approach when dealing with the next joint debate by ensuring that the debate time will not exceed the prescribed time limit by a wide margin.

Mr LEUNG Kwok-hung, please go on.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, humble as my position is, I dare not forget the concerns of the country. I am only a humble Member. In fact, having a headcount is about the dignity of the legislature, is it not? What is wrong with ensuring that there is a quorum for the meeting?

In this session, I am the instigator. Our Chairman has been sleepless over the past three weeks and also wishes that a certain Member would have health problems. Here, a matter was touched on: Should the Old Age Living Allowance be introduced? The focus of this session happens to be related to the Labour and Welfare Bureau.

Chairman ...

CHAIRMAN (in Cantonese): Please point out which amendment you want to comment on.

MR LEUNG KWOK-HUNG (in Cantonese): All amendments related to the Labour and Welfare Bureau. I have gone through them once. It is Amendment No 688; mover: Mr LEUNG Kwok-hung; head 141, and all matters up to No 697.

What are the responsibilities of the Labour and Welfare Bureau? It is to propose to policy-making bodies the formulation of timely and practicable policies conducive to public living. In my previous speeches, I pointed out that it had failed to do so.

Chairman, I have exposed one matter just now, that is, John TSANG has not implemented the manifesto of LEUNG Chun-ying properly. In fact, Secretary Matthew CHEUNG, who has disappeared from sight, has worked in the Labour and Welfare Bureau for some time. We can see that from 1987 to 2011, the Legislative Council had innumerable discussions on universal retirement protection and the conclusion each time was that it should be introduced.

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating views that you have voiced before. Please do not repeat them anymore.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. If I talk about "the Three August Ones and the Five Lords", I would also be repetitive, would I not? This is very simple: Why do I want to deduct his emoluments?

Chairman, I am not going to repeat this anymore. I will cite but will not repeat, so are you going to stop me? I now have on hand something about how the DAB and FTU pressed various officials at various levels ...

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating your arguments tediously and this has violated Rule 45(1) of the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, you are wrong. You have no idea what I am talking about at all, so you are guessing. Because in 2007, the DAB began to change tack, so actually, the DAB should not be counted ...

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

MR LEUNG KWOK-HUNG (in Cantonese): I think this Director of Bureau has made fewer mistakes of late, so I hope to lobby Members for the deduction of half a year of his annual emoluments. Can I not even do so? That does not matter, I will speak directly.

First, in fact, the Government has also shown some changes in attitude. In the debate on the Budget of 2008, the Financial Secretary — it was again John TSANG — said, "I believe that the Budget has provided appropriate assistance to the disadvantaged groups, offered a large number of concessions to share the fruits of economic development with various sectors of the community ... I have tried my best to prepare a budget that enables people from all walks of life to share the fruits of economic growth."

My point is: In discussing this matter, I am not talking about whether or not all people can have a share but who have greater need ...

CHAIRMAN (in Cantonese): Mr LEUNG, if you continue to stray from the question, I will have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): I am now talking about the Financial Secretary, then I will go on to say that the Secretary cannot ...

CHAIRMAN (in Cantonese): You were talking about issues related to the Labour and Welfare Bureau just now. Please do not cite the comments made by the Financial Secretary several years ago.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, a person's wrongdoing is accumulated in the course of several years. If I deduct all his pay just because he did one thing wrong, of course, that is not right. Therefore, many people do not understand that "one good turn deserves another". If he were to make a mistake only yesterday ...

CHAIRMAN (in Cantonese): Mr LEUNG, this is already the 12th time that you speak. I gave you special permission to speak once more but if you stray from the question again, I will have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I know that the rulings made by you are irreversible. However, when a Member was speaking, before he had stated his line of thought clearly, you already said that he was being repetitive. When have I ever repeated my comments? The arguments are not the same. I have never said that John TSANG's concept of welfare — and I mean the "觀" in "觀念" (concept) — is straying further and further away year by year ...

CHAIRMAN (in Cantonese): This is irrelevant.

MR LEUNG KWOK-HUNG (in Cantonese): How is this irrelevant? Secretary Matthew CHEUNG, as an official of the imperial court, has to tell the Financial Secretary ...

CHAIRMAN (in Cantonese): You have already repeated this argument a number of times, so much so that it has reached the extent of being tedious. Therefore, first, please do not repeat your arguments and second, do not stray from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Since you say you know my argument, please say what it is.

CHAIRMAN (in Cantonese): Your comment is irrelevant. If you have nothing to say, please sit down. The joint debate now ends.

MR LEUNG KWOK-HUNG (in Cantonese): I certainly have something to say.

CHAIRMAN (in Cantonese): Please continue to speak in accordance with the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in fact, in my speech, I hold that it is right to deduct the pay of the Under Secretary for Labour and Welfare. Have I ever mentioned the Under Secretary? Do you remember?

CHAIRMAN (in Cantonese): These several remarks of yours are irrelevant. Please do not talk about this any further. Please continue.

MR LEUNG KWOK-HUNG (in Cantonese): The Chairman said I had not mentioned the Under Secretary. What is the responsibility of the Under Secretary? The responsibility of the Under Secretary is coming to the Legislative Council to speak, or performing the duties of the Secretary when the latter is incapacitated. This is how the situation is like today: The Secretary did not come to the Legislative Council and the Under Secretary is not present either. Do you think I have repeated the viewpoint that the Secretary did not come to the

Legislative Council? Moreover, there is also the issue related to Political Assistant. The Political Assistant is ...

(Mr WONG Kwok-hing stood up)

CHAIRMAN (in Cantonese): Mr WONG Kwok-hing, what is your point?

MR WONG KWOK-HING (in Cantonese): Chairman, a point of order. I hope you will take action because the Under Secretary mentioned by Mr LEUNG Kwok-hung does not exist at all.

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

MR LEUNG KWOK-HUNG (in Cantonese): Yes. In that case, I will now talk about ... because I am now talking about the Political Assistant. What are the responsibilities of the Political Assistant? He has to liaise with various political parties and groupings, so that the Secretary can have discussions with them and deal with the policy issues and the controversies related to government policies. Indeed, the Political Assistant of the Labour and Welfare Bureau has never approached me. I am best-known for monitoring the Policy Bureau under the charge of Secretary Matthew CHEUNG and have thrown things at him before. How possibly can one not deduct his pay? In respect of the Old Age Living Allowance, has he ever asked Mr LEUNG ... the Chairman also said, "You have already talked so much that you have bad breath, so perhaps you can turn round and speak to us.". What is the use of saying this to the Chairman? Has he ever done such a thing? He has not. Buddy, his monthly pay is \$100,000. Had he ever dealt with this, there would have been no need for Mr WONG Kwok-hing to act like a dog that catches rats, would there? This is really "happening to find beans to eat while eating ordure" (getting a piece of good luck out of misfortune or despite one's incompetence). For heaven's sake, I must point out that an Under Secretary is paid \$100,000 monthly. A Member is lobbying for universal retirement protection by undermining the reputation of this Secretary. Ever since I said that I would take action over this year's Budget, so far, no one has

approached me, so do you think he is competent in his job? I would say he is not.

Secondly, the annual expenditure for the seven civil servants in the Office of the Secretary for Labour and Welfare. I proposed that this one be deducted ... because I often ... this one ... use this one to fax to ...

CHAIRMAN (in Cantonese): Mr LEUNG, please do not repeat the words "this one" so tediously.

MR LEUNG KWOK-HUNG (in Cantonese): Why should I stop? Oh, I see, that one, that one, that one, that one, that one. It should be that one.

I did fax some documents to him and I will cite from them later. After the documents were faxed to him, he did not respond. I have just sent him a fax today. I asked him to tell the Secretary to come and respond today. If he cannot, he can spend \$30 billion instead, or the year after 2017 in the place of doing so. This is what I told him, "The war of filibustering is in the legislature raging, not for personal spite or favours, but because the rich and powerful are too heartless, so old ladies I seek with my tongue to defend. A full 10 years in this Council I hark back, and find that retirement protection we still lack, public aspiration was but dashed, leaving old folks down and sad, so why would 'Long Hair' be afraid of his head again crack?". I told him that today, I had been tossed about until I had broken my head, so could he come and meet me? In the end, he did not. If his fax machine is not working, please notify me; if he has changed his number, please notify me; if he could not find the Secretary after receiving the fax, please notify me. If he notifies me, I will not say anything more but will give this doggerel to you, our Chairman, so that it can be passed to the Secretary.

Therefore, these seven people are responsible for assisting the Political Assistant in his work, so if the Political Assistant has committed dereliction of duties, how possibly could these seven people have any decent meals? Chairman, the spirit of the accountability system is that if their superior is deceived, those subordinate to him should help ...

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating this viewpoint.

MR LEUNG KWOK-HUNG (in Cantonese): Even kindergartens would teach students that one plus one equals two over and over.

CHAIRMAN (in Cantonese): Since you have talked about this a number of times, do not say it any more.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. What I mean is: The issue discussed by us today is not whether or not it is right to deduct the pay of the employees or the accountability officials of the Labour and Welfare Bureau but whether or not it is right for them not to come out to respond to other people's demand for deducting their pay.

Chairman, this is very simple. They have power and when other people ask them and want them to solve problems, of course, they would say that they would do their best. However, when they themselves had problems and some Members proposed that their pay be deducted, it turned out that they did not even put up a defense for themselves. Chairman, have you ever seen a fireman call the fire station to ask others to put out a small fire at his home? Of course, he should put it out himself. Therefore, he has betrayed his true nature. When he is being punished by others in a fashion akin to impeachment, he can go so far as not to do anything. May I ask how possibly could other people who have to rely on his help achieve anything?

Today, I talked about a very simple rationale a short while ago. If a pig is not dead and hot water is poured on it, it would spring up. However, at present, this pig is already dead and no matter how it is scalded with hot water, it is of no use. If this pig were not one reared by the public, there would have been no problem and if it were dead, so be it. However, since it is raised with the feed of the public, it is alive and lively. Today, I have set a trap here, that is, if a government official would only hide in his home and act like a key-board warrior no matter how his mother is castigated and no matter how he is inveighed, how possibly can he lead his subordinates?

In particular, if they stress that they would always respond to requests and questions, are always open to discussions and seek to promote harmony, Chairman, have you ever heard that a horse would try to achieve harmony with its rider? He is precisely riding me now. He can scold me aloud outside, saying that I am being repetitive, tedious, trivial, frivolous, shameless and vulgar and this is not a problem. Today, here, I am letting this "弼馬溫" (BI Mawen, keeper of the Heavenly Horses) — he is no SUN Wukong and he can in no way become SUN Wukong because he is not mischievous enough² — this keeper of the Heavenly Horses is riding me like a horse, so is this fair? Therefore, I demand that his pay be deducted and today, one can see an immediate retribution. However, I have to tell him that there are such "rubber stamps" as Mr WONG Kwok-hing and Mr TAM Yiu-chung. They are birds of a feather, wallowing in the mire together and happening to find out beans to eat while eating ordure. Chairman, this legislature ...

(Mr TAM Yiu-chung stood up)

CHAIRMAN (in Cantonese): Mr TAM Yiu-chung, what is your point?

MR TAM YIU-CHUNG (in Cantonese): Chairman, a point of order. His comments just now insulted Mr WONG Kwok-hing and me, so I demand that he withdraw them.

CHAIRMAN (in Cantonese): Mr TAM, which comments do you think have insulted these two Members?

MR TAM YIU-CHUNG (in Cantonese): I do not want to repeat his vulgar language.

² A monkey was often put in a stable as people believed its presence could prevent the horses from catching illness. In the *Journey to the West*, a Chinese novel published in the 16th century during the Ming Dynasty, Sun Wukong, the Monkey King, was given this position by the Jade Emperor after his first intrusion into Heaven. He was promised that it was a good position to have, and that he would be in the highest position. After discovering it was, in actuality, one of the lowest jobs in Heaven, he became angry, smashed the entire stable, set the horses free, and then quit. From then on, the title bīmǎwēn was used by his adversaries to mock him.

MR LEUNG KWOK-HUNG (in Cantonese): I repeat. What I said was "happening to find out beans to eat while eating ordure" and "wallowing together in the mire". When they are wallowing together in the mire, they happen to find out beans to eat while eating ordure because that is grass, moreover, they grow at the filthiest of places. This is literature and there is the chance of happening to find out beans to eat while eating ordure.

CHAIRMAN (in Cantonese): Concerning the point of order raised by Mr TAM, since the language used by Mr LEUNG just now has all along been used by him and there was no complaint about the language being offensive, I did not stop him. However, Mr LEUNG, I remind you not to use insulting or offensive language towards other Members. You still have 20 seconds to speak, so do you want to continue?

MR LEUNG KWOK-HUNG (in Cantonese): That is right. We must not insult dogs that eat ordure, nor should we insult beans.

Chairman, I have nothing more to say. My argument is that with the royalist camp here, why should officials be afraid of us? They have rubber stamps, so why do they have to be afraid of totalitarianism?

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will sum up the third joint debate in 15 minutes. Chairman, I would like to emphasize again that it is indeed unsatisfactory for you to give us only two hours to deliver our speeches. For instance, Mr WONG Yuk-man, who has proposed 10 amendments, has not yet spoken in this joint debate. If he is present, he will definitely request the Chairman to give him more time.

Furthermore, although the Chairman suggests that the contents of our speeches can be condensed or compressed, many of the amendments proposed or supported by me are specific, such as the three-coloured recycle bins or the salary cut for the Permanent Secretary for Food and Health (Health), to which I originally wished to speak to give support. Furthermore, Members should note that the amendments this time around, which are quite special and detailed, seek to reduce the emoluments for Deputy Secretary for Food and Health (Health) 1 — who is a government official. Meanwhile, Amendment No 679 seeks to cut the

emoluments for Deputy Secretary for Food and Health (Health) 2. Originally, I had to spend one session's time to explain their work, programmes and areas in which the target has not been met before I could argue why I supported the relevant amendments.

Just now, the Chairman said that the amendments would be handled flexibly. If time allows, I will speak on these amendments which really need to be dealt with separately in the next several joint debates, instead of compressing them in one or two sessions. For instance, a public consultation on the health protection scheme is a major topic. As regards the Head (eHealth Record) of the Food and Health Bureau, we cannot simply talk about the areas in which the Bureau has not done well in a general sense. If I still have some time left in the end, I will discuss in particular Amendment No 687 in relation to the estimated annual expenditure on the reimbursement of revenue forgone to the MTR Corporation Limited (MTRCL), franchised bus and ferry operators. These amendments must be explained clearly and separately before they can be dealt with.

A total of 148 amendments proposed separately by six Members will be dealt with in this debate session. If Members can support only one of these amendments, please support Amendment No 51 proposed by Ms Claudia MO on reducing the estimated annual expenditure of \$1.6 million on euthanasia rather than the amendments proposed by me. To begin with, I would like to tell Members that even if this financial provision is reduced, it does not mean that the Government will have no money to perform euthanasia in the coming year. How did the Government come up with this figure? When we asked the Government last year about the amount of funding earmarked for the purpose of performing euthanasia, it said that \$1.6 million had been received. This is why we now propose to reduce this provision. Even if it is cut, it does not mean that the Government cannot deploy its resources of its own accord to do what is considered by it to be essential. What effect can be achieved for the Legislative Council as a parliamentary assembly to pass this amendment? This indicates that we do not approve of the Government's policy on euthanasia. Likewise, we consider that the implementation process of this policy is full of flaws and loopholes.

Therefore, I would like to remind Members again because many of them have not spoken on this policy. Not only has not a single Member refuted our

arguments, but many pro-establishment Members, be they Legislative Council Members or District Council members, have also proposed in their election platforms many policies on caring about and protecting animals. But why could they veto this amendment proposed by Ms Claudia MO in the end? In respect of such voting preferences, voters will definitely follow up the matter. Neither have these Members seized the opportunities to give an explanation. Therefore, if Members can support only one amendment, please support the one proposed by Ms Claudia MO.

The amendments proposed by me actually focus mainly on the Department of Health, but I will only discuss the policy on dental services for the elderly. Certainly, I hope Members can give me support. As I explained just now, every amendment related to the reduction of expenditure on the Food and Health Bureau (Health Branch) is very detailed, but I do not have the opportunity to give Members a detailed explanation. Hence, if the next several joint debates can be handled flexibly, I will be very pleased to continue to account for the relevant amendments.

As I will discuss a very important amendment in the remaining time of this session, I will use this summing up period to discuss it. I support Amendment No 687 to Head 141 — Government Secretariat: Labour and Welfare Bureau, which is proposed by Mr LEUNG Kwok-hung to "reduce the estimated annual expenditure which is roughly equivalent to the reimbursement of revenue forgone to the MTRCL, franchised bus and ferry operators by the Labour and Welfare Bureau". The amount of money thus involved is \$594,187,000, which is quite large. Amendment No 692, which is proposed by Mr LEUNG Kwok-hung to "reduce the estimated annual expenditure which is roughly equivalent to the estimated annual operating expenses on the expansion by the Labour and Welfare Bureau of the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities", involves a reduction of \$18.86 million. The Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities, also known as the "\$2 transport concessions scheme", is a beneficent measure which allows elderly and eligible persons to make use of public transport at concessionary fares. The underlying reason for me to support these two amendments proposed by Mr LEUNG Kwok-hung is that I oppose the existing *modus operandi* of reimbursing all transport operators because resources will thus be wasted. I will explain this in detail later on.

Actually, this scheme, which was initially launched by the MTRCL in June 2012, was extended to four franchised bus companies in August and to ferries and the New Lantao Bus Company in 2013. In addition to elderly persons aged 65 and above, CSSA recipients with 100% disability and recipients of Disability Allowance who are aged below 65 are also eligible for the \$2 transport concession per trip. The Government will provide additional resources on an accountable and reimbursement basis to cover the fare differential between the nominal fare and \$2. I support this amendment, which means that I oppose the provision of concessions on an accountable and reimbursement basis. Let us examine these accounts. Since the launch of this scheme, the amount of reimbursement to transport operators has already exceeded \$700 million, including \$234.37 million to the MTRCL, \$479.23 million to franchised bus operators, \$17.16 million to ferry operators, involving up to \$730.77 million. In the coming year, there is even a possibility for the scheme to be extended to public light buses and trams.

Last week, Secretary Matthew CHEUNG wrote a blog entitled "\$2 drive", in which he claimed that the "\$2 transport concessions scheme" could enable more than 1 million people to broaden their horizon and enlarge their social circle, thereby making their life more fulfilling. Furthermore, the scheme has been well-received since it was launched nearly two years ago. Currently, about 700 000 passenger trips per day are made under the scheme, including 620 000 and 80 000 passenger trips made by the elderly and people with disabilities respectively. These people can just pay two dollars per trip to take the public transport mentioned just now. According to the Secretary, the concession encourages them to take part in community activities, thereby giving them more opportunities to integrate into society. While the "\$2 transport concessions scheme" can benefit elderly and eligible persons by encouraging them to go out to have fun or meet their friends, I must point out that it might create an opportunity for wasting public money or even become an excuse for indirectly subsidizing transport operators in the long run. Because of the large amount of money involved, the accountable subsidy has led people to wonder whether the Government is actually transferring benefit on the pretext of implementing a beneficial measure. The amount involved, as I pointed out just now, has exceeded \$700 million.

Without a doubt, the "\$2 transport concessions scheme" can enable the elderly and people with disabilities to go out more frequently, thereby enabling them to enlarge their social circle and giving them more incentives to take

different modes of transport to visit their friends, go shopping, dine out, see movies and have fun. As they only need to use their existing Octopus cards without making separate applications, the scheme will bring more convenience to the elderly. As pointed out by the Secretary in his blog, he had been told by some of the elderly and people with disabilities he met on the streets or during some functions that, as the scheme had lowered their cost of going out, they would make good use of it to visit their friends and relatives, go to the countryside, visit outlying islands, and participate in community activities and voluntary work. These are the advantages I will absolutely not deny. Many retired Directors of Bureaux agree that this scheme is excellent. The quality of their retirement life has been upgraded because they can even visit Lantau on a daily basis. Some elderly persons, who used to visit their grandchildren once every several months, said that they could now visit their grandchildren several times a week. On the surface, this scheme is very successful. However, I wonder if Members have noted the concern that the elderly might abuse the "\$2 transport concessions scheme" without knowing how to use it prudently. It is because the standard fare for each trip, regardless of the mode of public transport and the distance covered, is two dollars. Hence, resources will be wasted if an elderly person boards a cross-harbour bus to travel from one bus stop to the next.

Let me cite a real example of an elderly person who lives in Wah Fu Estate in the Southern District and has to make frequent visits to Queen Mary Hospital for follow-up consultations. A trip by a short-working bus, such as Citybus route No. 40M, will cost him only \$2.7, which means that the Government will only need to subsidize \$0.7. However, if he takes bus route No. 970, which is a long haul bus, he will have to pay a bus fare of \$5.5, which means that the Government will have to subsidize \$3.3. The difference between the two is nearly four-fold. If he takes a cross-harbour bus, the difference in the amount of subsidies will even multiply to an incalculable amount. Certainly, some elderly persons will board a bus whenever they see one. They might take a long-haul bus to cover a short distance between two bus stops. Actually, we should not blame them because they pay a standard fare of two dollars no matter which bus is taken. When a bus arrives, they will naturally get on the bus. I am not blaming the elderly; they have no reason to wait for the bus charging the lowest fare. As a result, they will not consider if it is bus route No. 900 or whatever, or a bus route heading to the New Territories via the West Harbour Crossing. They will simply get on any buses without considering whether or not they are long-haul buses. Given this mechanism, has the Government considered whether public money will be wasted? It is because the Administration will pay

with its eyes closed, so long as the bus companies can provide information on the fare differential with the support of actual records. A policy aimed at helping the disadvantaged has thus become a measure which is favourable to transport operators.

Actually, this method is not necessarily the best way to encourage the elderly to go out. The elderly, or the users, seldom pay attention to the amount of fares deducted from the stored value of their Octopus cards. They will at most pay attention to whether the remaining stored value is enough for them to board the next bus or whether they should add value to their Octopus cards in advance because they know that only two dollars will be deducted for each trip and the fare differential will be subsidized by the Government. I think that the best way is, and I believe other Members ... I remember Mr Michael TIEN has once made a similar comment that the beneficiaries should not be allowed to pay two dollars for any trips and then the fare differential is to be subsidized by the Government to bus companies. Instead, like the Work Incentive Transport Subsidy Scheme, a fixed amount of subsidy should be given to the recipients through their bank accounts or Octopus cards rather than to the relevant transport operators on an accountable and reimbursement basis. Such being the case, an elderly person will evaluate — no matter he is given \$500, \$1,000, or whatever. If he needs to cover a short distance between two bus stops, he will consider whether he should take a bus charging \$2.7 or \$17. As a result, the elderly will give proper consideration and social resources can be better utilized.

I have also noticed that the "Star" Ferry Company Limited has actually been providing free ferry services to elderly persons aged above 65 since October 1992 on a voluntary basis. It is, however, interesting that the "\$2 transport concessions scheme" covers its ferry services between Central and Tsim Sha Tsui and between Wan Chai and Tsim Sha Tsui, which means that the elderly could have taken Star ferries free of charge. Now, the Government has to reimburse to the Company the free services it is supposed to provide to the elderly, thereby reducing the Government's surplus. Having regard to its financial situation and operational prospects, the Government agreed to provide the Company with this special assistant measure in vetting and approving its fare increase application submitted in 2011. I consider it very unreasonable for the Administration to transfer money to the Company under the "\$2 transport concessions scheme" on top of the concessions already enjoyed by the Company. When did the Government start subsidizing the operation of transport operators? After Members have heard my arguments advanced just now ... I do not mean to be

picking nits. Instead, I hope to propose a way to improve policy to enable public finances to be utilized effectively and compel the Government to make improvements through reducing the balance of reimbursement (*The buzzer sounded*) ...

CHAIRMAN (in Cantonese): This debate has now come to a close.

CLERK (in Cantonese): Heads 25, 33, 39, 42, 44, 60, 62, 82, 91, 118, 137, 138, 158, 159, 186 and 194.

CHAIRMAN (in Cantonese): The Committee will now proceed to the fourth debate. The theme of this debate is "land, housing, transport, environment and conservation". The areas involved in this debate are: housing affairs; planning, lands and project matters within the scope of development affairs; building safety; transport affairs; energy matters within the scope of development affairs; environmental affairs and conservation.

Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Mr Albert CHAN, Mr Gary FAN and Mr WU Chi-wai have given notice respectively to move a total of 325 amendments to reduce 16 heads by various amounts, including heads 25, 33, 39, 42, 44, 60, 62, 82, 91, 118, 137, 138, 158, 159, 186 and 194. The amendments are related to the scope of this debate.

I will call upon CHAN Chi-chuen to speak first and move Amendment No 61 contained in Appendix 1C to the script, to be followed by Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Mr Albert CHAN, Mr Gary FAN and Mr WU Chi-wai; but no amendments are to be moved at this stage.

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, a point of order. I am really sincere. Can you consider arranging a meal time? I am speaking on behalf of all Members. They are already outside but dare not speak to you. This is really a point of order.

CHAIRMAN (in Cantonese): Mr LEUNG, I will seriously consider this proposal of yours.

MR LEUNG KWOK-HUNG (in Cantonese): Fine. Thank you, Chairman.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, it is my turn to speak again. First of all, I would like to move Amendment No 61 contained in Appendix IC to the script to reduce head 25 by \$1.86238 billion in respect of subhead 000, in order to reduce the estimated annual operating cost for the Architectural Services Department (ASD) to \$1,000.

I will talk about the part about the ASD later on. Now I would like to speak on other areas. Of the 325 amendments proposed in this session, I have proposed 49 amendments. I have already pointed out that this session involves four badly hit areas: land, housing, transport and environmental protection — I will stop discussing environmental protection for now — the responsible Directors of Bureaux are Paul CHAN, Anthony CHEUNG, who is responsible for both housing and transport, and WONG Kam-sing, who is responsible for environmental protection. Hence, it is really far from enough for Members to be given only eight hours to conduct the debate. But still, I wish to continue discussing the unfinished part concerning the Department of Health.

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

Of the 49 amendments proposed by me, seven amendments are related to the ASD, six are related to the Civil Engineering and Development Department, and three ... in addition, eight are related to the Drainage Services Department, five are related to the Environmental Protection Department, and six are related to the Buildings Department (BD). I hope I could have sufficient time to account for all these amendments. Of course, there is a long way between the reality and the ideal, so I have to make good use of the time.

Although I can use three sessions' time to condemn Paul CHAN, I will leave it until later. As the saying goes, "Every grudge can be traced to its source and every debtor has a creditor". Now I would like to collect debts from AU

Choi-kai of the BD first. The six amendments, namely Amendment Nos 418 to 423, are all related to the BD and proposed by me. Amendment No 418, which is the most remarkable, proposes to reduce the estimated annual operating cost of the BD from \$1,141,427,000 to \$1,000.

Let us first take a look at the BD's financial position under head 82. In 2012-2013, the actual expenditure of the BD stood at \$1.0298 billion. In 2013-2014, its originally estimated expenditure was \$1.1249 billion, but its actual expenditure, which stood at \$1.196 billion, had turned out to be lower than its originally estimated expenditure. This is really odd. We have often complained about the manpower shortage experienced by the BD — I will point out later that the BD is faced with a serious shortage of resources. Not only are there lots of complaints, the performance of the BD is also below par. As a result, its project objective has to be lowered due to costs considerations or adjustments have to be made before it can submit a report which is not too outrageous but is far from presentable. Why is its actual expenditure lower than its originally estimated expenditure? It means that it is unwilling to spend even though it has money. What does it show? One possibility is that higher efficiency has lowered the cost. But this is certainly not the case. Judging from the actual figures, one possibility is that the BD does not wish to do anything. It just keeps standing by with folded arms and let the funding remain. This is why the actual expenditure is lower than the originally estimated expenditure.

Let us simply look at the BD's current most important task: provision of services. In respect of existing buildings, the BD will, among others, inspect unauthorized building works (UBWs) under construction within 48 hours after receiving a report. It will also institute prosecutions against UBWs which have failed to comply with removal orders. Last year, the number of these cases was 2 513.

Under another major scheme, 1 576 and 3 943 buildings have been targeted for the implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) respectively. Let us look at their targets. I did not make them up. Members can find them by referring to head 82. For instance, 100% of the target set for "24-hour emergency services responding to emergencies during office hours within 1.5 hours for cases in urban areas" was met in 2012. However, the target was not

met in 2013. Next, the target set for "24-hour emergency services responding to emergencies during office hours within two hours for cases in new towns in New Territories" was not met in both 2012 and 2013, with the performance in 2013 being even worse than that in 2012. 100% of the target set for "4-hour emergency services responding to emergencies during office hours within three hours for cases in other more remote areas in New Territories" was met in 2012, but only 80% of the target was met in 2013, which was below par.

According to another even more ridiculous figure, which is related to responses to reports on UBWs under construction within 48 hours, the target set is 100%. However, the target was not met in 2012 and 2013. What about 2014? It is really laughable that the target of the scheme is set at 99%, not 100%. What sort of a government department is this?

Although 2 000 buildings a year have been targeted for "prescribed inspection and, if necessary, prescribed repair under MBIS" — In this respect, Members might find it necessary to find another department to take charge of the work, just like disbanding the Korea Coast Guard, as suggested by PARK Geun-hye — the actual numbers were 949 and 1 576 in 2012 and 2013 respectively. What about 2014? Although 2014 has not yet drawn to a close, the target has been lowered from 2 000 to 1 000.

Although 5 800 buildings per year have been targeted for "prescribed window inspection and, if necessary, prescribed window repair under MWIS", the actual numbers were 2 823, less than half, and 3 943 in 2012 and 2013 respectively. What about 2014? Fine. The target has already been lowered from 5 800 to 1 000. How outrageous! Although the target is set by the BD itself, not only has it failed to meet its own target, it has also failed to make use of its available resources. It is actually shameful to lower the target, though the BD may think the otherwise.

In addition, although 500 buildings per year are targeted for "removal of UBWs on rooftops, flat roofs, yards and lanes", the actual numbers were 350 and, surprisingly, 600 in 2012 and 2013 respectively. However, the target has been lowered again in 2014 to 200. Are the BD's targets ... I will not read out all the figures in the table. Members should read them by themselves.

Ninety percent of all the targets laid down under head 82 on page 70 of the report compiled by the Controlling officer are not met. To resolve this problem, the BD has sought to lower the targets for 2014, from 10% to several times. As I read out earlier, the target has even been lowered from 5 800 to 1 000.

Let us now turn to the problem of UBWs. The numbers of "removal orders issued" were 12 292 and 12 005 in 2012 and 2013 respectively. Although the numbers are smaller than before, I cannot see any improvements made to the UBWs in Hong Kong. I can really pinpoint at any time where UBWs can be found. However, the BD will say that immediate action will not be taken because there is no immediate danger. What does it mean by immediate danger? Does it mean that there is immediate danger only if people might be crushed to death if the UBWs collapse, whereas there is no need to pay attention to UBWs which will not crush people to death? The estimated target for 2014 is outrageous. I should like Honourable Members to make a guess. While the targets for 2012 and 2013 were 12 292 and 12 005 respectively, the target for 2014 has turned out to be 6 000. Why could the target have been lowered from 12 292 in 2012 to 6 000 in 2014?

As regards the number of repair/investigation orders issued for dilapidated buildings, it was 811 in the year before last and 682 in the previous year. The target for this year has been again lowered to 500.

I really do not wish to read out the items *seriatim*. Even though I am already tired of doing so, there is still a long way to go before I reach the arguments. All the figures, be they related to dangerous slopes, fire safety directions (FSDns) issued in respect of prescribed commercial premises, fire safety improvement directions issued in respect of specified commercial buildings, or FSDns issued in respect of composite buildings, have been diminishing year on year. In 2014, the targets have once again been lowered. The BD is really a very strange department. Apart from failing to meet targets, it has even lowered its targets year after year. Figures do not tell lies. Nevertheless, people have their own ways of interpretation.

Next, I would like to say that the BD has intricate relationships with LEUNG Chun-ying. Regarding the UBWs involving high-ranking officials and celebrities, people have been questioning whether the BD is impartial in law enforcement. Some people have questioned why the BD is so mean to Henry

TANG but apparently lax with LEUNG Chun-ying. Someone might say this is only an impression, but this point has been hinted in a report compiled by The Ombudsman.

Let me recap some history. When the Chief Executive election was held in February 2012, the revelation that UBWs were found at Henry TANG's residence had awakened the entire community. On 16 February in the same year, Carrie LAM, the then Secretary for Development, who claimed that UBWs would be clamped down, indicated that suspected UBWs involving high-ranking officials and celebrities would be handled in accordance with a special procedure. The Secretary pointed out that, according to the BD's established procedure, if reports or UBWs reported by the media involved social celebrities, the media would pay great attention, and so would the community. Hence, the BD would accord priority to taking follow-up action according to the procedure established in the previous year — she should be referring to 2011 as her remarks were made in 2012. What she meant was that the standard concerning immediate danger would not be used because the UBWs involving LEUNG Chun-ying and Henry TANG might not pose any immediate danger of collapsing and crushing people, but priority would still be accorded.

It was not until that moment that members of the public and even The Ombudsman knew that the BD had such a special procedure targeting celebrities. Before that, the BD had not made any public announcement about this procedure. This means that this policy, or operational procedure, of the BD is already very problematic (*The buzzer sounded*) ...

Mr CHAN Chi-chuen moved the following motion:

"RESOLVED that head 25 be reduced by \$1,806,238,000 in respect of subhead 000."

MR ALBERT CHAN (in Cantonese): Deputy Chairman, many areas are involved in this joint debate, including housing development, buildings, transport, economic affairs, environment and conservation. These can be described as the hardest hit areas in respect of the governance of Hong Kong Government. Speaking of the low popularity rating of Directors of Bureaux, those responsible for these policy areas can be described as the iconic figures, including Secretary Paul CHAN, Secretary Prof Anthony CHEUNG, the "name card Secretary" and

Secretary for the Environment. Deputy Chairman, I will discuss them one by one because the amendments involved seek to reduce the provisions for the annual salaries of these Secretaries.

The first one to be discussed is certainly Secretary Paul CHAN, who has been scandal-ridden as his name has been associated with sub-divided units, land hoarding and drink driving. If he has a little sense of shame, he should have resigned. Relatively speaking, the incident concerning Antony LEUNG, who jumped the gun in buying a car, is only a trivial matter, as it is only a drop in an ocean compared with the faults and scandals faced by the incumbent Secretaries. Despite TUNG Chee-hwa's problems in governance of, the persons appointed by him did possess some professional knowledge. Of course, some appointments were questionable, such as the appointment of an ophthalmologist as head of home affairs which is hardly justifiable. But that is another issue. Overall, his appointees were comparatively more competent than the incumbent governance team. Most importantly, all of them had a little sense of shame, and this makes them poles apart from the incumbent officials.

Going back to Paul CHAN, the Panel on Development has formally passed a motion demanding him to step down. This rarely happens in many other panels. Even the pro-establishment Members did not have the mood or intention to keep him in his position. Therefore, the opposition camp has the opportunity to pass overwhelmingly the motion demanding him to step down. His popularity rating since taking office is purely a negative asset among all other Directors of Bureaux, meaning that he has never been able to get rid of the burden as a negative asset in the governance team. His popularity rating, which was -27 marks when he first took office, has been close to -30 marks until reaching the peak of -35.5 marks in September 2013. Recently, his popularity rating is still hovering at about -20 marks. Since his appointment, he has been a truly negative asset of the Government insofar as opinion poll is concerned.

The fact that he is scandal-ridden can be reflected by his various nicknames which are associated with land hoarding, drink driving and sub-divided units. These series of acts basically reflect his major shortcomings. I believe the public will not accept an ordinary civil service post to be taken up by a person of such quality and performance, not to mention the post of a Director of Bureau. So, I believe it is difficult for Hong Kong people to accept a person whose integrity has completely gone bankrupt to be responsible for planning, land use,

land resumption and compensation matters. Frankly speaking, integrity is most important for a person who is involved in development work. Let us think about what happened to the former Secretary for Development, who had to resign immediately when being investigated by the Independent Commission Against Corruption on the ground that corrupt practices were involved in the purchase of a flat years ago. Speaking of the difference in interests, the interests generated from "sub-divided units" and land hoarding are definitely much more serious than the purchase of a flat through various means by the former civil servant.

But unfortunately, the purchase of a flat a few decades ago has led to his resignation. Now, the profiteer can remain in his position, who has even applied his concept of "sub-divided units" to housing by wielding his position as a policy maker. Basically, the operation of "sub-divided units" is an act of profiteering, in breach of relevant regulation and legislation, not to mention the fact that these illegal activities will affect the structural safety of buildings. It is inhumane to get involved in such business, the return of which is also unreasonable. This has also reflected a person's sense of value. A person who has engaged in "sub-divided units" business will naturally make decisions on planning with the mindset of operating "sub-divided units" when he is in charge of the land planning work of the Development Bureau. How terrible it is! To achieve the ends, he will resort to any means at the expense of safety, building regulations and even the lives of residents because there are various problems such as fire escape, environmental problem, pollution, air circulation, and so on. From these, we can see that he is a man of low moral standards.

But this has also reflected the low standard of the governance model of LEUNG Chun-ying because he himself is also a brazen man of low ethnic standard. Since the Chief Executive himself is a brazen liar who rules Hong Kong by telling lies, those appointed by him and his acquaintances are naturally people of this kind because like attracts like. Those who have a little sense of shame will not join his team because birds of a feather flock together.

Speaking of the scandal of land hoarding, I will not elaborate it given abundant press reports. Basically, with a total land area of 18 000 square feet and the current compensation of \$1,000 per square foot offered by the Government, the profit will hit a record high because this is the highest compensation to be offered by the Hong Kong Government for land resumption in history. To cover up his genuine intention, he told lies that the lands had been

leased out for rental income or purchased for gardening by his children. As we can see it, he has intended to conceal his purpose of buying these lands for speculation by telling these plausible stories. So, he has intended to conceal and evade responsibility for even such minor issues and problems. How can we entrust the well-being of the 7 million Hong Kong people, especially their well-being in future, in the hands of Paul CHAN, whose name is associated with land hoarding?

As for the incident of "sub-divided units", I have already mentioned that unreasonable return is earned in the operation of "sub-divided units". A flat is divided into several small rooms with additional toilets without submitting an alternation plan to the authorities concerned. This is illegal and in breach of relevant regulations. To a certain extent, the structural safety of the building will be adversely affected, leading to environmental degradation, as well as endangering the lives and safety of residents. Although the whole story about Paul CHAN in operating "sub-divided units" is as complicated as a saga, there are independent media in Hong Kong who are committed to exposing the facts. Till now, there are many questions pending clarification. These questions include: Who are the controlling shareholders of the company which is operating the "sub-divided units"? Who are the controlling shareholders of some overseas companies? Have the parties concerned paid the stamp duty? Have these units been sublet? In short, he has given people an impression that he is a big liar trying to keep his responsibility or genuine role in the dark. Like the land hoarding problem I mentioned earlier, he initially tried to detach himself from the incident until it was uncovered that the subleases were signed by him. All these can reflect his integrity.

Also, regarding drink driving, he is too careless to be a Director of Bureau. He put himself above the law by his act, reflecting his state of mind. Some people will commit certain acts which are in breach of the law by wielding their high positions and powers. And this is precisely the traditional mindset of communists. The Communist Party in the Mainland acts in the same way. The higher the position, the more corrupt they are ...

DEPUTY CHAIRMAN (in Cantonese): Mr CHAN, you have digressed from the subject.

MR ALBERT CHAN (in Cantonese): Deputy Chairman, there is a relationship between these two factors. This is a metaphor. According to the opinion polls, his support rate is too low because his behaviour has reflected a sense of value which is ...

DEPUTY CHAIRMAN (in Cantonese): You are repeating your argument.

MR ALBERT CHAN (in Cantonese): Deputy Chairman, I was explaining it to you.

DEPUTY CHAIRMAN (in Cantonese): You do not have to explain it to me because I have been listening to your speech.

MR ALBERT CHAN (in Cantonese): Deputy Chairman, when presiding over the meeting, has pointed out some problems to Mr CHAN Chi-chuen. But after listening to Mr CHAN's explanation, he has also accepted his argument. Therefore, Deputy Chairman, regarding your accusation, I have the right to give explanation. You cannot order Members to toe your line because we are not in the National People's Congress and we have not yet adopted its debating style. So, regarding your accusation, I have a responsibility and the right to give an explanation. You can refuse to accept my explanation, but you cannot prevent me from doing so.

The problem of drink driving has fully reflected that he, as a public officer, does not have a humble heart. On the contrary, he thinks that he is above the law due to his high position and powers. I would like to point out that I have advised him not to be the Secretary for Development before he took the office. My advice is based on the fact that we were colleagues and I know his personality and character. I have reminded him not to take the office, otherwise, he would feel as if his heart had been pierced by a thousand arrows and his fate would be doomed. Unfortunately, he did not listen to my good advice as expected. But why have I given him such a piece of advice? It is inconvenient to elaborate the reasons.

In view of his acts after being appointed as Director of Bureau, including land hoarding, operating sub-divided units and controversial private conduct, he should bow to the people and step down rather than causing worries and troubles to the Government. The interaction and mutual influence among members of the government team will often result in obstacles and problems in governance. He is unable to assist his old friend LEUNG Chun-ying in governance at the high echelon so as to improve the people's livelihood or establish a good fame for the Government. Worse still, he has caused worries and troubles to the Government. He is simply a disaster-maker.

After he has taken office, there are many examples which can illustrate his inadequacies. But I would like to point out that he is cold-blooded and ruthless. There was a Kwu Tung resident who hanged himself and died after being sent to North District Hospital. The Concern Group for Kwu Tung queried whether the victim had committed suicide due to the pressure of Freezing Survey and therefore urged the Government to attach importance to this case. But Paul CHAN, who has been involved in land hoarding, made a tough response in a radio interview, saying that the public should not put the blame on him for the suicide of a resident. This shows that he has no sympathy and compassion. He will only suppress the people by wielding public power.

Back then when I helped Tin Shui Wai residents to deal with all sorts of daily problems, some of them had committed suicide due to financial difficulties, unemployment or family problems even though they had met with me. I always felt guilty because I could not help them. One of the cases that made me feel guilty for many years is the suicidal case of a man who was in his fifties with two kids. I had helped him apply for Comprehensive Social Security Assistance (CSSA). He committed suicide because he was unable to cope with the blow to his self-esteem on applying for CSSA. Today, I am still full of remorse for I think that I should be able to provide more support for him. If better support could be provided, he might not have committed suicide. However, this brazen and cold-blooded Paul CHAN, who operated "sub-divided units", said adamantly that no blame should be put on him (*The buzzer sounded*) ... for the suicide of a man. Therefore, we should ...

DEPUTY CHAIRMAN (in Cantonese): Mr CHAN, speaking time is up.

MR ALBERT CHAN (in Cantonese): ... remove this brazen and unscrupulous Paul CHAN who has operated "sub-divided units" from office.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, Paul CHAN is certainly a "popular figure" as everyone will mention his name and ask him to sing. In fact, I think it is useless to reduce his salary because he is very rich and probably does not care about the remuneration. But in view of his great powers which enable him to continue to do what he wants to, I have no alternative but to reduce his salary just as a matter of routine in order to express our views. It is pointless to talk about his scandals. First, he is reluctant to admit that he was involved in a conflict of interest until it was uncovered by the media. This has happened time and again during his tenure. I am talking about a conflict of interest, not acceptance of benefits. Whether an official, especially one at a directorate rank, can win public respect depends on whether he can let the public see that he is fair and impartial in dealing with matters. Therefore, Legislative Council Members or accountable officials should not be involved in any conflict of interest, or more precisely, they should not be found to be involved in a conflict of interest without making declaration.

Many people say that it is just a conflict of interest which should not be penalized by "capital punishment". Many civil servants will probably find such an argument most shameful. Among numerous cases handled by the Independent Commission Against Corruption, there are some in which the civil servants concerned were dismissed because their wives had operated restaurants in the district under their jurisdiction. Some civil servants were prosecuted because they had borrowed \$1,000 without making declaration. Deputy Chairman, what Paul CHAN has done ... his stories are inconsistent and full of contradictions. If our Parliamentary Assembly can really monitor the Government — I mean that Paul CHAN would have stepped down long time ago if not because of so many functional constituency Members who have scruples. What I mean is that he would not be able to cope with our questioning. Particularly after the exposure of his scandals, if we can conduct an inquiry in accordance with the Legislative Council (Powers and Privileges) Ordinance, I do not believe he can remain in office.

Second, I would like to cite a typical example to explain why he is so popular in the officialdom and not removed from office. It is because he spared no effort in protecting his boss LEUNG Chun-ying. I did not know that AU

Choi-kai had "died" in the officialdom until now. I mean he has retired. So, I will not reduce his salary. He has retired. But Members will know that I have spent five minutes in scolding him if they have watched a video clip at YouTube. Currently this video clip at YouTube has got more than 200 000 click rate, meaning that the number of people who have watched the video clip is more than the number of people watching the live broadcast of today's meeting. Why? AU Choi-kai was instructed by Paul CHAN to attend our panel meetings to explain the unauthorized building works in the residence of LEUNG Chun-ying. Director AU Choi-kai told us at a meeting that his department would neither comment on an individual case nor give an account on the findings in relation to the unauthorized building works in LEUNG Chun-ying's residence.

Deputy Chairman, now I am discussing why I propose to reduce the salary of Paul CHAN rather than that of AU Choi-kai because he has "died" in the officialdom. Back then, I said that AU Choi-kai was an inept official — he had been an incompetent official for a very long time and had worked as an official in the officialdom for a long time. He also looked like a dog. Secretary Paul CHAN immediately refuted that it was wrong for me to say that AU Choi-kai was an inept official. Let us ponder this. The Legislative Council is responsible for monitoring the Government. At the joint meeting of the Panel on Development and Panel on Housing, an inquiry was conducted into the matters concerning the alleged unauthorized building works at the basement of the Chief Executive's residence, which had become a widely publicized issue attracting the eyeballs of the public. The inquiry sought to find out whether any remedial measure had been adopted, how such measure would be implemented, why the department's investigation was carried out at a very late stage and why the investigation had lasted so long. However, Secretary Paul CHAN has not exercised proper supervision on his subordinates to ensure a serious response would be given. What is more, such a senior civil servant told us that "I will not tell you. This is a matter of an individual." At that time, I had already pointed out that LEUNG Chun-ying might be an "individual", but he was a very special "individual". He is the Chief Executive who is under one person but above all government officials.

So, when the Legislative Council really wants to investigate him and if the officials disagree, they could inform the Legislative Council in advance that this person was not subject to any investigation, and they would not conduct an investigation. In this case, we would not convene any inquiry. However, when he attended our meeting, he said that he would not disclose information on

individual cases. Also, he even said that no information could be disclosed without the consent of the party concerned. Frankly, this is tantamount to slapping the Legislative Council in the face. So, the Secretary under accountability system came forth to defend for his subordinate who has committed serious dereliction of duty. Let us ponder this. Would the department heads under the Development Bureau commit themselves to their jobs? So, the Buildings Department need not do anything at all. The next topic I will discuss would be water leaking in the cruise terminal. No one would care about this as the Secretary will come forth to defend for them.

So, a Secretary would turn into a "Rodent King" with the connivance ... Is the "Rodent Queen" here? The "Rodent King" is such a big animal while the Legislative Council is such a small cat. If the cat demands an explanation from a rodent by telling him that "You stole my master's foods again yesterday", then the "Rodent King" will come forth and say, "Do not be afraid, I will fight for you and bite the cat to death." It is very simple. The example I cited just now is well known. I repeat: the five-minute video clip on YouTube has gained a click rate of more than 200 000. It is crystal clear. So, regarding Paul CHAN, if we do not do anything today ... Let us put aside the allegation that he may be involved in corrupt practices, we just hold him responsible for serious dereliction of duty as a Director of Bureau in monitoring his subordinates. In fact, there are two answers for such happening that day. First, it is like ZHOU Yu hitting HUANG Gai in which Paul CHAN is ZHOU Yu and AU Choi-kai is HUANG Gai, meaning that people inside the same party are against each other. Paul CHAN just said, "Sorry, this is only an oversight by him. I cannot blame him." Deputy Chairman, the salary of Paul CHAN should be reduced just because of this reason in my opinion. Another problem is that although there are a bundle of questions against Paul CHAN, he has not provided any explanation in a formal manner. Nevertheless, we can do nothing to him.

Another issue I wish to talk about is the development of Northeast New Territories, which is his key project. Till now, he has not given any reply to the questions raised by Members of this Council. He has not indicated how many hectares of disposed land in the Northeast New Territories New Development Area (NDA). Disposed land refers to land that can be put into use immediately. Neither has he specified how much land in the NDA has been hoarded up by property developers which can be used for residential purpose once change in land use is approved by the Government. Without relevant information from

him, we are unable to estimate the amount of land available in Northeast New Territories for residential purpose. As this issue remains resolved, the doubt caused by Paul CHAN's delay in giving us a reply has prevented us from monitoring the Government. What is the justification? According to the Government, the Northeast New Territories development project aims at solving the housing problem of Hong Kong people. But if the implementation of the project has immediately affected the housing needs of the local residents such as the elderly living in Shek Tsai Leng who are really in a dire situation, can they be resettled in the same village? What is the most desirable decision? In the absence of such information, we cannot make a judgment.

In fact, I have repeatedly mentioned that the SAR Government — I now target at Paul CHAN — can acquire the land hoarded up by developers in the Northeast New Territories by invoking Article 105 of the Basic Law on the ground of significant public interest. What is the justification? If the land hoarded up by developers was originally agricultural land, they can be compensated according to the market value of agricultural land. If the land was originally used for operating a soy sauce factory, the compensation is made according to the relevant market value. As long as the Secretary for Development can exercise due diligence in compiling a list of these sites before consulting the community in order to forge a consensus, the lands hoarded up by developers which have become mosquito-breeding grounds or storage sites for tattered containers and garbage can be used for construction of buildings. So, as Paul CHAN told lies in response to questions about his own land, he is bound to keep telling lies. What did he say? He said that the site which was transferred to him by someone many years ago was intended for vacation purpose. Unfortunately, an old villager in the neighbourhood pointed out that the site had been deserted and become a mosquito-breeding ground.

We can see that when the Secretary for Development can tell such a lie, why can't he tolerate other people lying? In fact, the land owned by Secretary Paul CHAN should also be treated in the aforesaid manner. If the site he bought is agricultural land, and if the Government wants to acquire his land by invoking Article 105 of the Basic Law on the ground of significant public interest, then the Government should acquire it by offering a current market price on the basis of the market price on the day of purchase by him. In fact, this is the general policy of land resumption by the Government. So, on this point, after Paul CHAN has taken office — let us not discuss his misconduct, which will be talked

about by other people because they know it well and I will not join in — on the policy front, he is entirely wrong because he is blindly scrambling for land. Just now I met a citizen on the street and asked him what he was doing. He said that he came here to protest. When I asked him for the reason, he told me that it was because the Government was blindly scrambling for land. Even green areas would be used for construction of buildings. Deputy Chairman, they are very furious.

Just now I mentioned that Secretary Paul CHAN does not care about his own duties; he cannot provide a very clear list of idle sites for the Government; he has failed to inform this Council or the Government of the number of sites which has been left idle due to hoarding by developers in a more effective manner. As a result, there is a lack of lands. To solve the problem, counterproductive measures have been adopted. Lands which used to be some people's home are taken away so as to solve other people's housing problem. On the other hand, lands which are uninhabited remain idle and deserted. As a result, developers will be able to identify which sites are useful in the future through nepotism and thereby earn a handsome profit.

Deputy Chairman, it is clear that Secretary Paul CHAN does not live up to our ethical standards. It is questionable whether Secretary Paul CHAN is mentally retarded. Today I wish to point out that he should not be a government official. So, I urge all Members to reduce his remuneration so that he cannot be a perfectly justifiable official. Even if he does not mind his remuneration, he will become the laughing stock of the political circle and the laughing stock of officialdom.

Deputy Chairman, I so submit. I hope Secretary Paul CHAN will listen to my speech and compile a comprehensive list of idle sites and sites being hoarded up by developers in the Northeast New Territories so that we can properly resolve the disputes relating to the Northeast New Territories development project. Thank you, Deputy Chairman.

MR GARY FAN (in Cantonese): Deputy Chairman, three of my amendments have been included in the joint debate of this session. The first one is Amendment No 191, which is on the reduction of the operational expenses for South East New Territories Landfill under subhead 297 of "Head 44 — Environmental Protection Department". The second one is Amendment No 636,

which is on the reduction of the estimated expenditure for the remuneration of the Secretary for Development, Paul CHAN, for six months under subhead 000 of "Head 138 — Development Bureau". The third one is Amendment No 1192, which is on the reduction of estimated expenditure for procuring fresh water by the Water Supplies Department for the first three months under subhead 223 of "Head 194 — Water Supplies Department". Deputy Chairman, I will explain the justifications for proposing the amendment to reduce the expenditure for the operating expenses for South East New Territories Landfill for the year in this speech.

(THE CHAIRMAN resumed the Chair)

Chairman, at the meeting of the Public Works Subcommittee of the Legislative Council held this morning, the extension of South East New Territories Landfill proposed by the Environment Bureau was passed with the support of the pro-establishment camp. It is regrettable that Members from the pro-establishment camp representing New Territories East also voted for the proposal. These Members from the pro-establishment camp representing the New Territories East include Members from the Democratic Alliance for the Betterment and Progress of Hong Kong and the Hong Kong Federation of Trade Unions. I hope these Members will seriously examine how the Tseung Kwan O district has been enduring the nuisance caused by the operation of the landfill continuously and unceasingly. Chairman, I will give my arguments involving nuisance caused by the operation and extension of the Tseung Kwan O Landfill, which naturally include my arguments on opposing the extension. The Neo Democrats consider that the operation and extension of the Tseung Kwan O Landfill has an inseparable relationship. If the extension plan is implemented, the operation of the landfill will definitely continue, which may go on for 10 years, another 10 years and another 10 years, nearly 30 years from now on, and forever. But if the operation budget is reduced, it may cause the landfill to stop operation and extension will become meaningless.

Chairman, the Tseung Kwan O Landfill has been in operation for over 25 years. During this quarter of a century, Tseung Kwan O district has developed from a newly developed new town to a well-developed community with a residential population of over 400 000. We have witnessed the change of a generation. During the past 20 to 30 years, the Government had made repeated

promise that once the Tseung Kwan O Landfill reached its full capacity, the landfill would be closed. What has the Government done indeed? The Government went back on its words again and again by constructing the South East New Territories Landfill. As for Tseung Kwan O Landfill, apart from the first one, the second and then the third one were constructed. Now that the third one will soon reach its full capacity, the authorities will extend the landfill to the area called Area 137 near Tseung Kwan O Landfill. Residents in Tseung Kwan O have been enduring nuisance caused by the odour of waste, suspended particulate, and noise, and so on, which have significantly affect the living environment, as well as the physical and psychological health, of the residents. Hence, on behalf of the Neo Democrats and the residents of Tseung Kwan O, I propose this amendment to express my opposition towards the Government for continue spending \$206 million on the operation of Tseung Kwan O Landfill, or even its further extension.

The Neo Democrats is of the view that if Tseung Kwan O Landfill is allowed to operate continuously, it will not only pollute the environmental, but also be a serious mistake in town planning for Hong Kong. With the expansion of the new town, Lohas Park, the housing estate nearest to Tseung Kwan O Landfill, which is only 800 m apart, will be developed into a mega housing estate doubling the size of Taikoo Shing. The 50 50-storey blocks will house at least 75 000 residents. Chairman, it will be the largest private housing estate in Hong Kong. If a landfill in operation is located next to the housing estate, it is in contravention of the principles of planning for a modern city.

Chairman, Wan Po Road, the major road leading to Tseung Kwan O, is also an essential access to housing estates like Lohas Park, Oscar By The Sea and The Beaumont. At present, numerous refuse collection vehicles and large goods vehicles are using Wan Po Road every day. The odour of refuse, sand and dust are polluting the environment, posing a serious threat to the physical and psychological health of the residents of these housing estates. If government officials make a site visit to Wan Po Road in person, they will see that everything, including sign boards, traffic lights, safety islands, as well as the street hydrants and plants on the roadside, is covered with a thick layer of dust. The dust is caused by the exhausts and dust emitted by the refuse collection vehicles passing by. How can residents in the district put up with these environmental nuisances? Chairman, the media and the public have expressed their views and lodged complaints against the environmental pollution repeatedly, and the Sai Kung District Council has been following up the case for a number of years. But still,

no improvement has been made. The situation was poor 10 years ago and it remains poor after a lapse of 10 years. Yet the Government is telling the public that the mitigation measures have been effective. Obviously, there is a great discrepancy between this remark and reality. If the Government is determined to safeguard the health of the people of Hong Kong, it should close the landfills once the first, second and third landfills in South East New Territories reaches their full capacity, so that residents in the district will truly enjoy the pleasant and refreshing green mountains, as Mr LI portrayed, and the environment in the vicinity will resume its normal state.

Chairman, in the past, the Government introduced a number of so-called environmental mitigation measures to alleviate the nuisance caused by the landfills to residents in Tseung Kwan O. However, these measures would not have been introduced had the Government not been forced to withdraw the work project on South East New Territories Landfill last year. When these measures had just been implemented for less than six months, the effects of which are yet to be seen by the Legislative Council, the District Council and the district, the Government submitted the bundled proposal on "the expansion of three landfills and construction of one incinerator" in a hurry to the Legislative Council. Take the measure on "Refuse Collection Vehicle Retrofitting Subsidy Scheme" as an example, refuse collection vehicles are required to be retrofitted to the effect that they are fully enclosed, installed with additional tailgate cover and a waste water sump tank to prevent the spilling of waste water from kitchen waste. However, most of the private refuse collection vehicles available in the market are not in compliance with these requirements. The authorities expect that all retrofitting work will be completed by the first quarter of 2015. That means the measure can do no help to the residents affected by the nuisance. Another example is the installation of a closed-circuit television system near Tseung Kwan O Industrial Estate with a view to combatting illegal fly-tipping. However, in the three months between its installation in early December 2013 and the submission of the paper in February 2014, only one persecution was initiated. This differs greatly from the actual situation experience by residents. Chairman, I have paid a site visit to the district, and I find that a lot of waste is dumped along the streets both before and after major festivals. As for the requirement that Tseung Kwan O Landfill will only take in construction waste, despite the passage of the relevant legislation, the requirement will only be applicable and effective upon the passage of the extension plan, which can in no way alleviate the nuisance suffered by residents at present.

Chairman, it is evident that the effect of the relevant mitigation measures can only be shown after a certain period of implementation, which will then be possible for the authorities to convince the legislature to approve the extension of Tseung Kwan O Landfill. Hence, the Neo Democrats considers that the extension of landfills should be discontinued.

Chairman, I would also like to talk about the air pollution caused by South East New Territories Landfill in Tseung Kwan O. In fact, the pollution is affecting the residents living in areas as far as Taikoo Shing and Siu Sai Wan area in Island East. To people in general who have not been following this issue for a long time, they can hardly imagine the situation. Yet this is the reality in front of our eyes. According to the replies on the budget provided by government officials to the Legislative Council, the number of complaints against the odour of Tseung Kwan O Landfill is increasing every day, from 1 120 cases in 2011 to 1 951 cases in 2012, which increased further to 2 462 cases in 2013. The Government has to spend \$2.5 million every year on the odour monitoring team in investigating the complaints. It is evident that the odour nuisance will never end if the operation of the landfills continues, and residents in Tseung Kwan O will never be free from worry.

Moreover, though the Environmental Protection Department has given a green light in the environmental impact assessment for the extension proposal of South East New Territories Landfill, it is mentioned in the environmental impact assessment that the extension of the South East New Territories Landfill may cause nuisance to the Clear Water Bay Country Park in the vicinity, thereby damaging the ecological habitat of 11 animal species of conservation interest and change the natural landscape of the country park. Worse still, the extension of the landfill will require the felling of 20 000 trees, which will definitely affect the ecology adversely. Therefore, the Neo Democrats reiterate here our opposition to the extension of the landfill to the buffer area in the periphery of the country park. In respect of waste management policy, we urge the Government to remember that it should not damage the ecology of the "back garden" of Hong Kong.

Chairman, the SAR Government published the "Policy Framework for the Management of Municipal Solid Waste (2005-2014)" in 2005. It mentioned the introduction of policy tools such as quantity-based waste charging, the producer responsibility scheme and landfill disposal bans, and so on. One of the policy targets was to increase the overall recovery rate of municipal solid waste to 50% by 2014, which is this year. However, according to the report on Monitoring of

Solid Waste in Hong Kong for the year 2012 published by the EPD in January this year, the overall recovery rate of municipal solid waste in Hong Kong for 2012 was only 39%, far behind the target set by the Government 10 years ago. In the "Hong Kong: Blueprint for Sustainable Use of Resources 2013-2022", the SAR Government puts forth the target, a more ambitious one, of achieving an overall recovery rate of municipal solid waste of 55% by 2022. Since the new target is only 5% higher than the target of 50% set for 2014, how can this convince Hong Kong people that the Government has not been relying on end treatment of waste, such as landfill disposal and incineration, over a long period continuously and that it has been making effective effort in waste reduction at source and waste recovery? The waste levy scheme will have decisive effect on waste reduction at source, yet the Government has remained indecisive over the years and has not implemented the scheme yet. It cannot but continue to rely on the extension and operation of landfills in handling solid waste. The situation will sap the will of the Government in implementing policies concerning recovery, reuse and reduction at source, which will result in the incessant operation and extension of landfills in Hong Kong.

Therefore, Chairman, the present amendment proposed by the Neo Democrats will do more than saving \$206 million for taxpayers. In 2013, the Government attempted to force the passage of the extension of landfills, but it eventually withdrawn the proposal due to public opposition. This time, the Government has made some minor and piecemeal alterations to the extension proposal and re-submits it to the Legislative Council and it has aroused strong discontent from residents of Tseung Kwan O again. Therefore, the Neo Democrats wants to tell the Government loud and clear via the amendment that the permanent closure of South East New Territories Landfill is an arrangement in line with the opinion and aspiration of the public. We hope that the Government will not push through the proposal once and again.

Chairman, the Neo Democrats thinks the Government lacks the justification to convince taxpayers to put in \$206 million in this financial year in the operation of South East New Territories Landfill in Tseung Kwan O. The sum of \$206 million can be spent on policies on the environment, waste reduction at source and waste recovery and reuse for better results.

If the operation of Tseung Kwan O Landfill, which is in the vicinity of the urban area, continues and the closure is delayed once and again, it should obviously be attributed to the policy slip and implementation failure on the part of

the Government, while the residents of Tseung Kwan O are made to "foot this bill" on the policy slip of the Government blindly. For this reason, I propose the amendment on behalf of the Neo Democrats here to reduce the estimated expenditure for the operation of South East New Territories Landfill for the year under the EPD. We also hope that it will bring about the effect of righting the wrong, urging the Government to be sincerely committed to the work and responsibility in promoting the policy on waste reduction at source.

Chairman, I so submit.

CHAIRMAN (in Cantonese): If Members intend to speak on the amendments under this joint debate, please press the "Request to speak" button.

(Mr LEUNG Kwok-hung raised his hand as an indication)

CHAIRMAN (in Cantonese): Now, I only see Mr LEUNG Kwok-hung making a request to speak for the second time.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, though you have limited the speaking time, it does not mean that Members have no responsibility to attend the meeting. I request a headcount to establish the quorum, for there are only eight Members in the Chamber now.

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, you may speak.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, this is the second time I speak, am I right? When I spoke for the first time, I talked about Paul CHAN. Now, I am not going to talk about Paul CHAN but the Director of Architectural Services (D Arch S) under head 25, which is Amendment No 65. The mover of this amendment is LEUNG Kwok-hung, and the amendment resolves that subhead 000 under head 25 be reduced by \$62,488, ...

CHAIRMAN (in Cantonese): You have mixed up the amount again.

MR LEUNG KWOK-HUNG (in Cantonese): It should be \$624,886,000. People with talents are usually not good at numbers.

Why do I have to target at the Architectural Services Department (ASD)? There is definitely a reason for that. Chairman, I do not know if you have ever visited Kowloon East? There is a mammoth object lying along the waterfront of Kowloon East, which is called the Cruise Terminal. In fact, the D Arch S has one ... Why should the expenditure for the maintenance of government buildings for the year should be reduced? The Cruise Terminal has much to do with this.

Members should know that the Cruise Terminal is the core project under "Energizing Kowloon East", which means the Cruise Terminal will serve as the origin from which development radiates out. What is the evidence for this? Actually, the aerial light rail, just like the castle in the air, has not yet been constructed. In other words, apart from the purpose of boosting — I wonder why we are using such creative terms like "提振" (tei⁴ zan³) (meaning boost) instead of "振興" (zan³ hing¹) (meaning improve) — the tourism industry of Hong Kong, it is also hoped that the light rail to be built upon the completion of the Cruise Terminal will enhance the convenience for the local community, meaning the residents in the estate, for the light rail will run a circular route, which is more circuitous, to cover various stations. This arrangement will enable tourists of the Cruise Terminal to take a tour around certain communities in Kowloon East easily by taking the light rail, while residents in the community may ride the tide of this tourist-pay improvement in transport.

We will not talk about why the construction of the light rail is not possible for the moment. We will talk about another issue instead. If the construction of the light rail is successful, it will cause great trouble. Why? The construction cost of the Kai Tai Cruise Terminal is not excessively high but it is not a small amount, which is \$8 billion. However, there is the scene of "raining in the rain" at the Cruise Terminal upon its completion, where raining continues inside the Cruise Terminal after the rain stops outside due to the accumulation of rain water. The sky becomes clear after rain, just like the present case — your Honourable has delivered them from the rain, and many people think that the sky is clear now ...

CHAIRMAN (in Cantonese): Mr LEUNG, please speak on your amendment promptly. I do not hear you coming to your amendment yet.

MR LEUNG KWOK-HUNG (in Cantonese): Due to the poor monitoring of the ASD, one of the highlight projects of the Government cannot be completed on schedule and fails to serve the intended function. Even a small department like the ASD has caused such chaos to the project. Should it not be punished for its faults? I am now going to talk about this.

I will not discuss for the time being why the light rail cannot be built. This may not necessarily be the responsibility of the ASD, for it may be attributed to the policy adopted, for which the Transport and Housing Bureau should be held accountable. With your teaching over the past few days, I can make a clear differentiation now. I am now talking about the Cruise Terminal. Why was there the scene of "raining in the rain"? This should be attributed to the further delay in "touch-up" works. Chairman, what are these so-called "touch-up" works? In the construction of buildings of massive size, there should be a waterproofing process. Waterproofing is an extremely important process for the entire building, which is the key factor determining whether the problem "indoor raining" will occur upon completion of the building. Regrettably, dripping rain is found everywhere in the Cruise Terminal, which has cost \$8 billion and taken a year for construction. Let us not mention the severity of the problem for the time being. A staff member of a cruise once gave a casual remark, and I quote to the effect that, "I do not know where the drips come from, but the situation is

better than last year." In other words, the situation has only improved slightly over a year.

Chairman, I now request a reduction of his salary ...

CHAIRMAN (in Cantonese): Mr LEUNG, your amendment is not about salary reduction.

MR LEUNG KWOK-HUNG (in Cantonese): It is about the reduction of the expenditure for year, am I right? It is about the reduction of the estimated expenditure of the ASD for the maintenance of government buildings for the year. I am now talking about the maintenance expenses. I know you have had enough about this. I will change the topic.

Another issue which is related to the ASD is "tree removal". Chairman, I just recognize that tree removal is one of the functions of the ASD ...

CHAIRMAN (in Cantonese): You have now turned to another amendment.

MR LEUNG KWOK-HUNG (in Cantonese): I am speaking on the present amendment.

CHAIRMAN (in Cantonese): Which amendment?

MR LEUNG KWOK-HUNG (in Cantonese): The amendment concerning the maintenance expenditure of the ASD for the year.

CHAIRMAN (in Cantonese): Are you talking about maintenance expenditure?

MR LEUNG KWOK-HUNG (in Cantonese): Tree removal is an expense under maintenance for it does not involve construction works.

CHAIRMAN (in Cantonese): You should be speaking on the maintenance works of government buildings now.

MR LEUNG KWOK-HUNG (in Cantonese): Alright, the ASD carries out tree removal works ...

CHAIRMAN (in Cantonese): Are you sure that this is under the item on the maintenance of government buildings?

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

CHAIRMAN (in Cantonese): Please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Alright. Sorry about that, it is a problem involving the government establishment.

Regarding this process undertaken by the ASD, I think the Chairman's doubt is reasonable. I myself do not quite understand why the ASD has to be responsible for tree removals. Last December, the ASD removed trees at a certain place in Kwai Chung. Actually, tree removal ... I think your doubt is really justified. Tree removal should be undertaken by the Department of Health since the trees have bacteria. It may be undertaken by the Agriculture, Fisheries and Conservation Department (AFCD) too. Really, I do not quite understand the organization of the Government. They need to remove trees infected by bacteria, yet I can tell Members that the removal work had been delayed for a long time before it could be completed. The work started in December and was not yet completed by February in the following year. If Members do not believe me, they may check up the information, and the work was at Shek Yam Lei Muk Road Park.

Chairman, let us carry this example further. Members may think about the fact that the Tree Management Office (TMO) has been set up, which implies that a lot of trees are sick in Hong Kong. I have recited a poem saying that, "there are a lot of flourishing trees in front of a sick tree" (病樹前頭萬木春), am I right? The ASD has to remove the sick tree to bring about the scene where every tree flourishes. A withered tree cannot flourish, so do a sick tree. First, the sluggishness of the ASD will have an adverse impact on the community. Second, it has prevented the growing of new trees for the benefit of community. Chairman, I know you may find my speech annoying. So I will say no more but just that "there are a lot of boats sailing smoothly pass a sinking boat" (沉舟側畔千帆過). Alright, I now come to the third point. It is about slope maintenance carried out by the ASD, where all the trees are removed and thus posing landslide threat during the rainy season. Chairman, masonry walls and dykes built by the slope berm sector in Hong Kong are one of the best around the world, and officials from many places come to Hong Kong to learn from our experience. However, the ASD has failed to live up to this reputation.

Chairman, it is reasonable for the ASD to be responsible for this duty. But what has the ASD done? There are tree roots in slopes — I just come across the Chinese name of Mr Christopher CHUNG, which include the Chinese characters meaning tree roots. Chairman, I believe you have studied biology and you know that tree roots serve a guarding function in holding the soil. The ASD is requested to construct masonry walls for protection against the rain, which are commonly called the "berm". What do you think the ASD has done? I will borrow the remark from the eunuch CAO Shao-qin in the movie "Dragon Gate Inn" (龍門客棧) to describe the situation, "Removing all plants and pull up their roots, so that they will never bud again". The ASD is required to maintain the slopes, but they remove every tree on these slopes. It is a matter concerning the organization of the Government. If a team or inter-departmental task force is set up, the problem will be addressed. Regrettably, this is not the case.

Honestly, I cannot propose a reduction of the expenditure of the AFCD, for it has been dealt with at an earlier stage. As such, I can only blame the ASD for failing to consult the AFCD in handling the tree roots in problematic berms when it has to carry out tasks beyond its capacity. As the saying goes, "it takes a hundred years to nurture a talent", and it also takes 100 years for a tree to grow into a big tree and for its roots to grow deep into the soil. The ASD should take advantage of the circumstance instead of relying completely on concrete setting.

It is the way they deal with the berm that has led to soil exposure. There was a soil collapse occurred in Tai Mo Shan Country Park. Chairman, money is not a main concern; neither is the landscape of the slope. But if it leads to landslide, it is a matter of life and death. In a minor landslide, it may cost casualties. In a major landslide, it will cause obstruction. Why? Landslide may block the road and prevent vehicle access.

Therefore, I have to point out the three major faults of the ASD in my speech today, which are all related to maintenance works — I am correct this time, and I have not proposed any reduction to the estimated expenditure of the ASD in other aspects. In other words, despite the provision we approved for the department for maintenance, their performance is just a big mess. In that case, the provision should not be approved. Chairman, to show my sincerity, I decide not to continue with my speech as I consider it has come to a point which I need to say no more. Do you agree? However, I would like to show my sincerity once again. I have shown self restraint but others do not show respect and sincerity in return, so will you please summon them back. I have finished my speech in 11 minutes, but he is still drinking milk tea outside. Chairman, please do a headcount. Mr WONG Kwok-hing is again ...

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

(While the summoning bell was ringing, some Members talked loudly in the Chamber)

CHAIRMAN (in Cantonese): I remind Members again that you should not talk loudly among yourselves in the Chamber.

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

CHAIRMAN (in Cantonese): Mr CHAN Chi-chuen, you may speak now.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will speak on "Head 82 — Buildings Department". There are a total of eight amendments on the Buildings Department, of which six amendments are proposed by me. These amendments involve the reduction of the estimated operational expenses of the Buildings Department for the year of over \$1.1 billion, the reduction of the personal emoluments for staff of the Buildings Department of over \$790 million and the reduction of general departmental expenses of \$190 million. The amount involved in the other three amendments is relatively small.

Mr LEUNG Kwok-hung has a very clear mind. Just now, he noticed that the amendments on the Buildings Department were not targeted at any individuals, for instance, no amendment was proposed specifically to reduce the salary of the Director of Buildings. None of the eight amendments includes such reduction. Mr LEUNG Kwok-hung said that one of the reasons was that the Director of Buildings, AU Choi-kai, was no longer here. He is right. AU Choi-kai, the former Director of Buildings, who has served in the Government for 39 years, retired in the end of March this year, and he is now on pre-retirement leave. The newly appointed Director of Buildings is HUI Siu-wai. However, it does not mean that he will be spared from the discussion on buildings issues to be raised later due to the replacement, for the former Director AU Choi-kai has got away and no verification can be done. As in the case of LEUNG Chun-ying, we may no longer ask him questions after he left. Nonetheless, the new Director of Buildings HUI Siu-wai is promoted to the present post from Deputy Director of Buildings, which was his former position. At the departure of AU Choi-kai, the Government said that AU had served with zeal and commitment in the Civil Service throughout the years, and led the Department to make professional contributions in setting and enforcing safety, health and environmental standards for private buildings. These are perfunctory commendations, remarks made among government officials to cover each other.

We propose to reduce the operational expenses of the Buildings Department for we notice that the Department is fraught with problems. Earlier on, I checked the various targets set out under head 82. I notice that a majority of the targets have not been met. Worse still, some of the targets have been lowered to cope with the inadequacy. I would say that it is sacrificing quality for quality or moving the berth to suit the ship. Should the problem be attributed to individual ability or the performance of the government department as a whole? Of course, I think both factors count. However, the blame should be

laid at the right door. The many incidents involving the Buildings Department, as well as the many queries raised by Members and the Audit Commission, occurred when the Department was under the leadership of AU Choi-kai.

Last time, I mentioned the procedures for handling cases involving celebrities (the special procedures), so I will not explain it again. In gist, it turns out that there are such practice notes in the Buildings Department, but the special procedures have not been announced to the public. It is definitely a problem. Yet if the Department can follow the special procedures straightly, if enforcement is carried that in an impartial and fair manner without any tricky, foul and rule-breaking practices, an even if the procedures are not known to me, I can at most criticize the Department for failing to make the procedures known to the public. In fact the procedures are running well. It is comparable to certain internal guidelines of the police, which are not made known to me. However, if the special procedures were not known to the public, nor to the legislature in the past, and if there were problem with its implementation, the department as a whole should be held accountable.

Back then, the Buildings Department made proactive efforts to follow up LEUNG Chun-ying's case. According to LEUNG Chun-ying, the Department investigated his basement four times in 10 months, which included the removal of all fixtures and fittings down to the layer showing the bar tendons. LEUNG said that the professionals he employed told him they had never seen the Department making all the efforts in such a manner in handling an unauthorized building works case. Members certainly know the outcome of the incident. Since a ruling has been made, I do not need to explain the cause and development of the incident, nor the outcome. To view the incident from another perspective, LEUNG Chun-ying is different. After his unauthorized building works was discovered in June 2012, the Buildings Department had been particularly ...

CHAIRMAN (in Cantonese): Mr CHAN, which amendment are you discussing now?

MR CHAN CHI-CHUEN (in Cantonese): I have stated it clearly earlier ...

CHAIRMAN (in Cantonese): Are you speaking on the request on the reduction of the estimated expenditure for the operational expenses for the Buildings Department for the year?

MR CHAN CHI-CHUEN (in Cantonese): Yes, it is Amendment No 418. I am stating the inadequacies of the Buildings Department in handling the special procedures as criticized by the Audit Commission, and I have not gone into depth about the details of the story involving the unauthorized building works. I only want to discuss the report of the Buildings Department — it should be the report of the Office of The Ombudsman (OFOMB) on the Buildings Department — I will not dwell on the incidents of LEUNG Chun-ying, for the Chairman does not want me to spend so much time talking about LEUNG Chun-ying. The OFOMB started the initial investigation on the enforcement criteria of the Buildings Department. In November last year, the OFOMB officially initiated a direct investigation on the Buildings Department. During the initial investigation on the Buildings Department, the target, to a large extent, was to examine whether "LEUNG was treated more favourably than TANG" or "TANG was treated more strictly than LEUNG". Eventually, it was discovered that a set of special procedures for handling cases involving celebrities had been implemented for over six months before the practice was announced to the public. In this connection, the OFOMB considers the action of the authorities too slow and passive, which has inevitably caused the public to query the Buildings Department's way of handling these cases.

Second, the special procedures have been implemented for more than two years, and dozens of cases have been handled according to the procedures — I am now citing the situation in general and not targeting on cases involving "TANG & LEUNG" — yet the Buildings Department has never laid down any written guidelines on the special procedures. The Buildings Department only provided some detailed explanation when the OFOMB sought clarification from it. In other words, the explanation was made only afterwards, whereas formal announcement about the special procedures had never been made. One of the requirements is to "conduct site inspections and investigations within three days", which is strange. What does it mean by "within three days"? In the absence of guidelines, certain people may be "let go" by the Buildings Department, yet it will be difficult to accord accountability even when the incident is brought to the Legislative Council or under the media subsequently.

Moreover, according to the Buildings Department — when Carrie LAM was the Secretary for Development, she had explained the case — the special procedures based on four principles, namely, priority follow-up action, ascertaining the existence of unauthorized building works, allaying public concerns and taking enforcement action impartially and strictly in accordance with the law.

It is worth noting that on ascertaining the existence of unauthorized building works, in the majority of cases, the authorities are able to ascertain this in the first inspection. In other words, it is easy to ascertain that. It will be difficult to ascertain the existence of such works if access is not allowed. If access is allowed, it can be ascertained from the outside whether there is unauthorized building works, unless the structure is surrounded by walls. However, the report has not stated clearly which case is involved. It is only stated that in the case concerned, the Buildings Department had requested the person involved to explain the case but no specific response was received, and the investigation results had been delayed for a few months.

Therefore, the media points out that the report of the OFOMB is tacitly criticizing the Buildings Department for giving favourable treatment to LEUNG Chun-ying. The particulars of the case mentioned match largely with the case involving LEUNG Chun-ying, so there is reasonable doubt that the Buildings Department deviated from the established procedure in the case, making it the only case where the ascertaining procedure has been delayed. This special treatment is not in line with the principle on taking priority follow-up action, and I do not know why the OFOMB has not rebuked him directly but only suggested in an obscure manner that special treatment had been offered to him.

Moreover, in the majority of cases, the Buildings Department will give a summary of results and actions taken to the media or the public. However, for the dubious case mentioned above, the Buildings Department did not do so, which was again a deviation from the previous practice. The OFOMB criticized that since the special procedures were implemented to allay public concerns, the Buildings Department's failure to announce the result of the investigation of the case concerned after several months was obviously another violation of the set objective. Back then — it is not back then but this year — Alan LAI from the OFOMB handled the case prior to his departure, but he has only done 70% to 80%, and the remaining 20% has not yet been addressed, by which I mean he has failed to say that "the Buildings Department favours LEUNG".

Certainly, we have put forth and support this amendment to state this point. If the justification is valid, this point that the authorities' practice of allowing the incident to be meddled through and its failure to monitor the situation would warrant the deletion of this department, as in the case of the Coast Guard in South Korea. We should set up other mechanism or hand over the matter to another department, or let the Architectural Services Department to handle this. That is all I want to say about this point. It is a serious mistake that warrants the dissolution of the department.

I will then come to the manpower of the Buildings Department. The personnel matters of the Buildings Department are in chaos, for civil servants in this type of government departments seldom initiate large scale collective action. I am referring to the short strike staged by over 200 staff members under the Association of Government Technical and Survey Officers to protest against the Buildings Department for ignoring the severe manpower shortage. At that time, AU Choi-kai was the Director of Buildings, and Paul CHAN had requested him to respond to the situation. He said that the Buildings Department had been striving for resources via the Development Bureau all along, and in the past three years, the attempt to strive for resource had been effective. He also pointed out that the application for additional resource this year was being processed according to the established procedures. He said that the Government understood the great pressure faced by departmental staff and hoped that colleagues would be more understanding.

What is the manpower problem faced by the Buildings Department now? The number of staff in the department has increased from 992 in 2010 to 1 319 at present. At the same time, the number of civil servants in the two technical grades has increased by 96, from 307 to 403, whereas the number of civil servants in the two professional grades has increased by 128, from 369 to 497. Does the increase in manpower mean that there is sufficient staff?

I do not know if Members have visited the Buildings Department. I visited the Buildings Department once when I followed up a case. It was just a few days after the industrial action was taken. The atmosphere was extremely bad there. Protesting slogans were everywhere rebuking the Department for ill-treating staff members and exploiting staff in life-threatening manner, and so on. In such a deficient department, even the sewage pipes of the toilets of the building as a whole were clogged. After posting protesting posters in the

Department, the staff escalated their action later by refusing to work overtime and working to rule only. They got off work on time and returned home. Even the Department offered overtime allowance as an incentive, no one applied for it.

However, the Department remained indifferent throughout the process and it showed no sincerity to negotiate with staff members. Eventually, the staff could not tolerate and put on the short strike. What were the problems revealed? The department has been understaffed for a long time. Both the division of responsible for new buildings and that for existing buildings are facing manpower shortage and heavy pressure. The structure of the Buildings Department is relatively complicated. In brief, there are many teams under various divisions and each team comprises of two to three members. However, there are only 1.5 staff member for certain teams, which means a staff member is under three supervisors at the same time. Take a two-member team as an example. The team needs to deal with all kinds of issues, major or minor, of about 200 buildings in a district. They have to conduct on-site case inspection, prepare reports, monitor unauthorized building works and dangerous building in dilapidation, handle broken sewer, remove advertising boards, approve works cost, examine buildings, windows and plans. I find it tiring just to read these duties out. Members may thus understand how it feels to be in the Buildings Department. I think that among the many government departments, the Buildings Department is one of those hells. The problem does not emerge overnight, but it has not been addressed even though it has persisted for such a long time.

MR WU CHI-WAI (in Cantonese): Chairman, my amendment proposes that head 137 be reduced by \$281,000 in respect of subhead 000, which approximately equals to the estimated expenditure for the remuneration of the Secretary for the Environment for one month.

Chairman, my original plan is to reduce the waste recovery points planned by the Environment Bureau. However, due to procedural restriction, I cannot propose such a reduction. As such, I can only propose reducing part of the remuneration of the Secretary for the Environment to express my view that the Secretary for the Environment has failed to handle waste management policy and issues properly.

Regarding waste recovery points, I discussed this during the previous debate session. I have pointed out that if the Government considers it necessary for waste recovery to be carried out at district level, it may consolidate all the refuse collection points under the Food and Environmental Hygiene Department (FEHD) and the Housing Department (HD) for use, and amend the contracts between cleaning contractors and the FEHD and the HD to allow waste recovery work at refuse collection points to be undertaken by cleaning contractors, which will be an extremely effective way in solving the problem. It is utterly unnecessary to spend an additional \$400 million for establishing permanent waste recovery points.

Moreover, I have to stress once again that the Environment Bureau does not understand the problems lie in the existing policy on waste recovery. In fact, materials which the market considers are of value, such as paper and metals, have been processed by the market, leaving materials like plastic and glass, and so on. Recyclers are facing the problem that no profit can be made from the existing recycling approaches. Hence, the Government should consider why recyclers are unwilling to recycle resources of value. Is the unwillingness of recyclers to recycle the materials attributed to inadequacies in facilities or the logistical procedures involved?

I have to remind Secretary WONG Kam-sing to remember the lesson from the Yan Oi Tong EcoPark project. Before implementation of the "Operation Green Fence" in the Mainland, the Yan Oi Tong project often encountered the problem of shortage of plastic. Upon implementation of the "Operation Green Fence", there is the problem of excessive stock of plastic, and the organization has to seek assistance in handling the plastic. Has the Bureau ever reflected on this: Why a project introduced in good faith will be fraught with problems and causing a waste of precious public money? Today, I have to stop the Environment Bureau from implementing the proposal on setting up waste recovery points, so as to prevent the establishment of a number of superfluous facilities with public money which fail to achieve the policy objectives.

Certainly, the Secretary for the Environment has stressed repeatedly that the waste recovery points will not only be used for waste recovery but also serve an education purpose. I have to stress that I never oppose the launching of public education on waste reduction at source. However, are there no better and more effective approaches in promoting education on waste reduction at source

other than the establishment of waste recovery points? Is it feasible to use mobile vans? Should the authorities spend \$400 million on the construction of the 18 expensive waste recovery points and continue to set aside recurrent expenditure to maintain their operation?

Perhaps the truth for the Environment Bureau to build its own waste recovery points is that the Environment Bureau cannot instruct other bureaux to co-operate with it, and thus it must have its own facilities. Chairman, last year, during the discussion of the landfills in New Territories West and North East New Territories at the Finance Committee, I did ask the Government whether it would consider grouping the refuse collection work under the FEHD and the waste recovery work under the Environmental Protection Department (EPD) under the same department, and the Government rejected this proposal determinedly and expressed that it would not consider the proposal at the time.

Chairman, why would I ask this question? Actually, I want to remind all colleagues that during the era of the two municipal councils, tasks starting from refuse collection to final recovery, filling and incineration were all undertaken by the two municipal councils. There was no problem of the FEHD and the EPD each doing their own job and the absence of a subordination relationship. In fact, if Members demand accountability from Secretary KO Wing-man, he will say that his department is doing a good job, for the FEHD is responsible for cleaning and hygiene and not waste recovery, which is the responsibility of the EPD. Hence, a common problem we are facing is that items which can be recycled are treated as refuse and sent to landfills. For this reason, we consider that the Environment Bureau has failed to face squarely its promise, that is, to reduce waste disposal by 40% in the next 10 years. How can it achieve this target in the absence of the assistance of the FEHD and the HD and the united efforts and determination of government departments in promoting resource recovery? It is against this background that we are facing the ridiculous phenomenon where contractors under the FEHD would hand over the plastic recovered to be treated as refuse and be sent to landfills.

I used to be a Member of the former Urban Council. I recall that prior to the "scrapping of the two municipal councils", the former Urban Council had discussed the need to set up a new incinerator. Back then, the Government said that the "scrapping of the two municipal councils" was to enhance the efficiency of municipal services. However, it is evident from this incident that the

"scrapping of the two municipal councils" caused a task originally undertaken by a single department to be scattered among various departments, making it impossible to ascertain accountability.

When I entered into discussion with the Environment Bureau on the "extension of three landfills and construction of an incinerator", I said, "no policy is made other than in the East Wing". I have been repeating this remark from last year till today. I hope that by opposing the provision application for the "extension of three landfills and construction of an incinerator", we can press the Government to stop shifting all the responsibilities relating to resource recovery and waste management to Members, leaving Members to decide whether or not to pass the provision application for terminal treatment facilities like the "extension of three landfills and construction of an incinerator". I also hope that by opposing the provision application, all government departments will unite and work together on resource recovery. Regrettably, the Government has already secured adequate support from Members, and the application for provision for the "extension of three landfills and construction of an incinerator" will be passed. After the passage, will the work on resource recovery disappoint Members again? If government departments cannot unite and work together, how can the work target undertaken by the Secretary for the Environment of reducing waste disposal by 40% be achieved?

In fact, had the Secretary been able to come up with some strategies, the Chief Secretary for Administration, Carrie LAM, would not have to set up an inter-departmental steering committee to handle inter-departmental efforts on resource recovery. Certainly, Chief Secretary Carrie LAM is not only responsible for resource recovery; she also needs to handle the consultation on constitutional reform. Hence, the steering committee has not submitted any proposal so far. It is evident that Secretary WONG Kam-sing has been left to fight the lone battle on waste management, and I do not know how he has convinced colleagues from the pro-establishment camp to agree to approve the provision for the "extension of three landfills and construction of an incinerator" as the terminal treatment facilities for waste.

I can foretell that the FEHD and the EPD will remain indifferent to resource recovery in future as they did in the past. I wish I were over-worried to say so. However, according to past experience, it is obvious that we will see such a scenario. In the course of promoting refuse levy, the greatest obstruction

faced by the Government comes neither from the public nor building management companies but from the HD and the FEHD, which are also government departments. The HD worries that the implementation of refuse levy will make housing management more difficult, while the FEHD worries that the levy will result in littering. May I ask whether refuse levy is the policy of the Environment Bureau alone or that of the Government as a whole? Why do other departments not provide assistance but set up hurdles instead?

Apart from waste management, the Environment Bureau is also playing a relatively passive or secondary role in other policy areas. Take the handling of "enclaves" as an example. I doubt whether the Environment Bureau has endeavoured to maintain the integrity of country parks. If it has, has it strived to include these sites into the scope of country parks? According to our observation, apart from Sai Wan, other sites being included as "enclaves" of country parks are rarely visited sites or sites with low potential for village housing development. One of the examples is a two-hectare site located in Sai Lau Kong. The remaining sites are mostly subject to regulation according to the statutory plan. Has the Environment Bureau strived to include these sites into the scope of country parks to ensure that Hong Kong's back garden will be well conserved and that sustainability will be realized?

At the end of last year, when this Council was debating the issue on "enclaves", I pointed out that under the framework of country parks, the rights and interests of local residents would not be affected. I insist that these sites should be included in the scope of country parks for I hope the Government will express that it attaches importance in maintaining the integrity of country parks by means of such inclusion. This is the obligation of the Secretary for the Environment. The inclusion will also make developers drop their ideas and attempts to develop country parks promptly, preventing them from having expectation. However, the Secretary has fulfilled none of these fundamental duties. On the contrary, we notice that many "enclaves" are still held by developers. The failure of the Environment Bureau to lead the Government team to ensure the integrity of country parks is one of the reasons I propose a reduction of the remuneration of the Secretary for the Environment. He has not fulfilled the duties of the Secretary for the Environment properly.

Chairman, I so submit. Thank you.

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

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I speak in support of Mr LEUNG Kwok-hung's amendment that head 118 be reduced by \$2,296,800 in respect of subhead 000. (The amount to be reduced is roughly equal to the annual provision of the starting point of the salary of the Director of Planning)

Chairman, we all know that the Government has announced the long-term housing strategy and it plans to build 470 000 housing units in the next 10 years in order to meet the massive demand. As a matter of fact and speaking for the present, we consider that there is a need to produce a large amount of housing units. However, as the previous-term Government did not face up to the huge housing demand, the result is that the current-term Government has to produce a large amount of housing units. As the production of a huge amount of housing units will require the finding of land, the Planning Department therefore plays a very important role and that is to undertake planning for community development and to identify land to build houses. But it is unfortunate that the Planning Department, especially the Director of Planning, only knows how to find land in a blind and frantic manner to build housing units. It can be said his efforts are like placing a needle in a small crevice and there is an ignorance of whether the surroundings in the community are suitable. This is a complete dereliction of duty and responsibility.

If community development is not satisfactory, even if houses are built and the housing problem is solved, other community problems are bound to appear. These problems include transport, education, and those related to people going to and from offices. There may even be problems in the family and about harmony. But the Director of Planning and the staff in the Planning Department just blindly follow the instruction given by the Chief Executive LEUNG Chun-ying to produce a large amount of housing units. They do not listen to views expressed by people in the community. They do not consult the residents affected to hear the worries these residents have and they do not consider how the problems which the residents point out can be solved. The officials just force their way through and always emphasize that housing demand now is urgent and so they are blindly looking for land to build houses. This is a serious problem indeed.

Chairman, I can give an example. There is a construction site opposite Highland Park in the Kwai Tsing district. The site is now rented by the Water

Supplies Department and the lease is about to expire. Not only is the site there very small but it also has a blind alley. The residents of Highland Park always complain that transport there is very bad as there is neither any parking space nor enough public transport. Since the roads are not insufficient, the residents are always asking the Transport Department to make improvements. In fact, the residents hope very much that this piece of land can be turned into a transport interchange to ease the transport problem there. It is unfortunate that the Planning Department does not listen to us and the problem is not addressed. The Department only knows how to follow blindly the instruction to find more land to build houses. Even when there is a tiny piece of land where only some 300 units can be built, it is used for housing development. Hence the solution of the transport problem in the community is delayed. I think this is very irresponsible planning. When planning is being undertaken, the officials should not just care about the requirement from the Chief Executive to build more houses. Instead, they should consider the development in the community concerned. If it is beyond the capacity of the community concerned to house more residents or if no more houses can be produced and the Government is insists to build houses, what will happen to the community? As I have just said, what should be done on the transport problem? The authorities simply do not care and it stands firm.

Chairman, apart from this example, there are also many other examples I know, such as the one in the vicinity of the New Yuen Long Centre. Houses are being built all the time there. We have told the authorities that while we are not against the production of housing units, we have to consider how they are produced and how many are produced. If one has been to Yuen Long Main Road, they will know that traffic is very busy there, no matter whether it is a weekday or a holiday, and the problem of traffic congestion there is very serious. Moreover, the platforms of the Light Rail are outdated and they are too packed with people and prone to accidents. The Transport Department does not do anything to solve the problem and the Planning Department cares nothing about it as houses are constantly being built near the Light Rail station. The result is a surge of population. The authorities just ignore how the problem with the community facilities there can be solved.

I once met a group of residents in the Complaints Division and they came from places in Yuen Long, such as Hung Shui Kiu. They complained about the transport problem in Yuen Long. They said that there were too many people there, and no assistance was given to them to work or go to school outside Yuen

Long. We went there to have a look and found that the problem was very serious indeed. Besides the problem of insufficient transport facilities, the community is not suitable for further increase in population. But the Planning Department does not see the problems and it refuses to listen. It ignored the problems and kept on increasing the population there. It seems that the Government is bent on increasing the population without any restraints and it does not care about problems in the community at all. What should be done? Chairman, we are very worried because we do not know what will happen to the community. In a densely populated community, if the supporting facilities are not good enough, the problems found in the community will get very serious. In comparison, the problem of having screen-like buildings is less important. The most important problems lie in transport and commuting to school or work. These problems are just too difficult to solve.

In future there is a plan to develop Hung Shui Kiu into a community housing a population of 160 000 people. It is even said that 100 000 jobs will be created. Chairman, if 100 000 jobs can be created, certainly there will be many people who come from other districts to work there. These may include people who come from Tin Shui Wai and Yuen Long. If they want to go to Hung Shui Kiu, they cannot just walk and they have to use some means of transport. If the transport facilities are not sufficient, what should be done? As the transport facilities are not enough there at present, how will they be sufficient when the population increases? Therefore, I consider that the Director of Planning and the staff in the Planning Department have not fulfilled their duties. They just take the orders and they do not care about the development of the community. But we cannot ask the Director of Planning to resign. We can only slash his salary in the hope that he can ponder over his shortcomings and change his attitude. He should solve the problem with people's housing needs as well as the problem with community facilities. If these problems cannot be solved, it would not help the society at all.

Chairman, about the issue of housing development, I think the problems lie not only in the staff of the Planning Department, also in the staff of the Lands Department. The work of the Planning Department and the Lands Department is interrelated. They have to tackle tasks like finding land, land use and land resumption. Land can only be developed after it is resumed, but the problem is that when land is resumed, there will be incidents that are unfair and unjust. In the case of Hung Shui Kiu, some residents ask why the land of the non-indigenous residents is resumed while that of the indigenous residents is not.

We always ask questions like these but the staff from the Lands Department and the Planning Department do not answer this question at all. They just say briefly that it is due to considerations of development needs. When such unfair and unjust things happen, does it mean that the officials cannot handle the problem in a just manner? If so, do they deserve such high pay? So under these circumstances, I would think that it is necessary to cut the salary of the Director of Planning and urge him to fulfil his duties properly. Chairman, I so submit.

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

MR ALBERT CHAN (in Cantonese): Chairman, I have just talked about Paul CHAN, who is a hoarder of land, an owner of sub-divided units and a drunk driver. These are problems with his character and conduct, and also his persistently low popularity ratings after he has assumed office. He has become a policy secretary who is a negative asset of the Government. He brings disaster and trouble to the Government. His main tasks are to take into practice what LEUNG Chun-ying has vowed to do during his electioneering campaign, that is, to find land and build houses. Actually, soon after he has assumed office, I have reminded him that he should be very careful ...

CHAIRMAN (in Cantonese): Mr CHAN, are you speaking on the previous amendments?

MR ALBERT CHAN (in Cantonese): Right, Chairman. I am speaking on slashing the salary of Paul CHAN, the Secretary of sub-divided units. Then I will speak on Anthony CHEUNG.

CHAIRMAN (in Cantonese): Please do not repeat your arguments.

MR ALBERT CHAN (in Cantonese): Chairman, I am not repeating. I am just talking about the part which I have not yet finished. This is because if we want to slash his salary, there are reasons apart from his personal character and

conduct. His performance after he has assumed office also counts. This is very important. I will pick certain points and talk about his blunders in planning.

I remember that when he first assumed office, he vowed to find land by all means. At that time I pointed out that urban planning was a very complicated task. It was only after many years that the wisdom of our predecessors was gathered and after learning from the painful lessons of the past, we came to work out certain procedures, objectives and principles. For urban planning, there are planning guides stating the factors which should be considered and all the planning procedures required.

But these people who think that they are always right and have lived in their small circles for such a long time that they are totally absorbed in their culture of flattering each other and licking each other's boots, may come to think that they are the best. At first he proposed that the land owned by the Baptist University should be resumed. Many people pointed out that he should not make such a fuss in such a minor matter. This is because for a piece of land with such a small size, those residents living nearby and the holders of vested interests or those people affected will certainly fight against him to the bitter end. Great controversies will be caused. Even if this piece of land owned by the Baptist University is resumed according to government plans, it can only provide 800 residential units. We find that after more than one year, the plan has to be given up.

At first many people said that planning had to be undertaken with extreme care but he refused to listen. I have also pointed out many times that previously, that is, some 30 to 40 years ago, the approach of building new towns to look for land is a reliable option to take. He should return to the basics and adopt this approach. Moreover, we must adopt various approaches in identifying land and we cannot just set our eyes on the land of the farmers and indigenous inhabitants while we avoid resuming the land of the rich and powerful. An example is that the land owned by Cheung Kong and Hutchison is zoned as residential land and this is a transfer of interest. But the land of the disadvantaged is zoned as land for producing public housing or green belts. This is a bias in interest when it comes to planning. This selection of preferred groups leads to discontent among the disadvantaged and great controversies are bound to develop.

For the lots owned by the People's Liberation Army (PLA), the Government dare not resume them. But this kind of land covers 2 000 ha. There are certain pieces of PLA land that are left desolate, lying in waste, unoccupied and totally unused for years. Due to considerations of political status, these pieces of land are never resumed. This is because even the Chinese Communist Party dare not do anything against the PLA. Even XI Jinping has recently made certain changes. The communists of Hong Kong are even more afraid of the Hong Kong Garrison. They are more daunted by its despotic power and so they dare not make any suggestions. Let alone the interests involved, the PLA may welcome land resumption and compensation all the more. Even if only something minor about the PLA is involved, the authorities dare not utter a word. This leads to pain and suffering in the people and serious problems in land supply. But even if this is the case, they dare not ask the PLA to vacate any piece of land or even say that they are contemplating this. It would be somewhat better if they come to a decision after considering the matter or if the PLA raises some strong and pertinent arguments and proofs, saying that owing to certain reasons, the pieces of land in question cannot be vacated.

There is a firing range in Tuen Mun and it has an area of 800 ha and the Shek Kong airport is not being used for aeroplane landing or taking off. In the past, the British garrison was too far from the United Kingdom and there were justifications to have an airport of its own in the colony. As for me, of course I am against colonial rule, but speaking of objective reasons, there was certainly a need for vessels of the British navy to berth in the colony. But now once we walk across the borders in Lo Wu, we are on Chinese soil and there we can find a heavy concentration of the PLA. Only a 10-minute ride is needed to go from places like Shek Kong and Kam Tin and it would be even faster to go by air ...

CHAIRMAN (in Cantonese): Mr CHAN, you have spoken too much on one particular policy issue.

MR ALBERT CHAN (in Cantonese): Chairman, this is a very important point. It is because the well-being of the Hong Kong people is involved. Since you have set the length of the debate to be eight hours, I am just picking the main points and unleash my condemnation with respect to blunders in housing supply. On the bad situation recently in housing supply, I will condemn Anthony CHEUNG when I talk about him later on. But the related problems are the most

serious ones over the past 30 years. With respect to problems in housing supply and land supply, it can be said that they are the most serious and urgent in 30 years. But under these serious and urgent circumstances, it is surprising to see that the official responsible is not held accountable. He is a layman who leads those who are in the field for years. He is both deficient in integrity and capability. This is something we all know. He is biased, timid and short-sighted with respect to the basic attitude and objectives of handling land and planning matters. This will only cause more pain and suffering in the Hong Kong people and the housing problem will only deteriorate.

Now we are talking about the pain and suffering of hundreds of thousand people or even up to a million people. We have this policy secretary who always makes blunders. He and the Chief Executive, who is elected from just 689 people, form a duo to lead Hong Kong to catastrophe. They affect not only problems like governance, the economy and the Individual Visit Scheme, but also land supply. Impacts of a catastrophic nature will be produced and it is not just a matter of one or two days. We are talking about lasting impacts of years or tens of years. This spells pain and suffering for hundreds of thousand people or even up to a million people. Can we dismiss it lightly?

The Government has really made mistakes in objectives and directions when it handles land supply issues. As we look back, the former British Hong Kong Government returned land lots in Tsim Sha Tsui East and Kowloon Tong, which housed the barracks of the British army, because of economic development needs. Therefore, if the PLA does not surrender some of its land, especially those land lots used as firing ranges and grounds for drills, this will cause discontent or even hostility in the citizens against the PLA. This is an approach which will cause confrontation and provoke discontent in the Hong Kong people with the PLA. This is because as people walk past PLA military grounds, they will find that the land is left vacant and only one soldier is standing on guard. Just look at the military grounds in Kam Tin and Shek Kong, we will find that these places are all vacant and no one is there. The land there is just left scorched in the sun, wasted and only pests are bred there. However, the people of Hong Kong are forced to live in those sub-divided units owned by this Paul CHAN, the Secretary who owns sub-divided units. Now in these sub-divided units, the rent per square foot is as high as \$50. This is really ridiculous. I do not think I can ever finish talking about such absurd things for days.

Also, as I have just said, this Secretary of sub-divided units loves to boast and brag and he is hated by the people. After he was exposed of alleged conflict of interest, he refused to step down and he even said that he acted justly and loved mercy. People find him most shameless and he is an epitome of hypocrites.

I do not think I will repeat this and I just want to stress that he makes numerous blunders. Lands and planning are very complicated work and this has to be handled by persons with political wisdom and administrative tactics. His appointment is a kind of mismatch and that is because he is in no way suitable for the job. As the saying goes, a person's character determines his fate. If a person like him with this kind of personality is asked to discharge duties of such a sensitive nature and which is closely related to the life of the people, this is absolutely a mismatch. Therefore, I want to show my opinion of him clearly by proposing to slash his salary. Honestly, we can never allow people like him who are so arrogant and who handle matters in such a stupid way to assume such an important post.

Chairman, now I want to turn to Amendment No 993, which proposes that head 158 be reduced by the amount of the annual salary and expenses of the Secretary for Transport and Housing. Chairman, it is not since today that I am dissatisfied with Anthony CHEUNG. It is a fact which everybody knows about for the past 20 years. I want to declare interest and that is, when he was the vice-chairman of the Democratic Party, I was disciplined by the Democratic Party for making a public condemnation of him. At that time I described Anthony CHEUNG as a political "pineapple chicken", meaning that he would grab all the advantages he comes across. To this day I still think of him this way. There is one special thing about a "pineapple chicken" and that is, it has spikes all over its body and it would stick things wherever it goes. This means that he takes advantages all the time. As he does not have the ability, he will only use this feature to take advantages.

This is how he comes to be the Secretary for Transport and Housing. He is a self-styled democrat and he makes use of this label to cheat and deceive. But actually he is no more than a running dog. He exploits the democratic camp and that is really an insult to democracy. For the past 20 to 30 years he has been in public affairs. He says he is a professor but he has never done anything that can be said to be of any good.

CHAIRMAN (in Cantonese): Mr CHAN, you should focus your speech on the performance in public duties of the public officer whose salary you want to slash.

MR ALBERT CHAN (in Cantonese): Understood. Chairman, but this is related. His background makes people have an excessively high expectation of him and his image also misleads people. This creates a false impression. That accounts for the favourable comments from the media. Then he is appointed by LEUNG Chun-ying or the communists. People are fooled by him. But I do not think there is anyone who knows him better than I do. I have had too many dealings with him. I must therefore point out that people are deceived by this false image and they think that he is a very capable person. But actually he is a political "pineapple chicken" who is ignorant and incompetent.

On things which he has done and which can show his incompetence, I can say that they are countless and I do not think I can finish talking about them for three full days and nights. First, he is by nature an incompetent person. According to the instruction given by the Chairman, I now talk about the problems after he has assumed office. He is responsible for transport and housing. But I know that it was pointed out when he was appointed the Secretary for Transport and Housing that he knew nothing about transport affairs and his appointment would certainly lead to disasters in transport affairs. If Members can browse the reports, they will find that before his appointment, I had said with certainty that such things would happen.

First, the way he handles things will never solve problems in any positive way. He will not finish doing his part first and he is always waiting for the god of fortune to visit him. This shows that a person's character determines his fate. Like Paul CHAN, whom I have just talked about, a person who is in charge of transport matters must be very sensitive and proactive. This applies especially to a person who is a policy secretary. He has to be proactive and when faced with so many problems in transport, he must get hold of the problems and get prepared early for any crisis and problem that may appear. His style of work plus the fact that he is incompetent, lacking experience and totally ignorant in transport policies and matters, will naturally lead Hong Kong to disaster.

So, when we are talking about those top officials, even if they are as "good at fighting" as the Chief Secretary Carrie LAM, should all these policy secretaries

be "pineapple chickens" and incompetent persons, how can Carrie LAM come to their rescue all the time? So it is only natural that we find problems in transport matters, especially in the Express Rail. Actually, back then when this Council deliberated on the funding for the Express Rail, I pointed out that things would certainly go wrong if the MTR Corporation was tasked with the construction of the Express Rail.*(The buzzer sounded)* ... I will elaborate on this later.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will now speak. Chairman ...

(Mr LEUNG Yiu-chung stood up)

CHAIRMAN (in Cantonese): Mr LEUNG Yiu-chung, what is your problem?

(Mr LEUNG Yiu-chung indicated that he wished to speak)

CHAIRMAN (in Cantonese): Mr LEUNG Yiu-chung, I have called upon Mr LEUNG Kwok-hung to speak. Members who wish to speak should press the "Request to speak" button so that I know clearly that you wish to speak.

Mr LEUNG Kwok-hung, please speak.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I now speak on Amendment Nos 1010 and 1013, which are to this effect: Resolved that the amount equal to the annual provision with respect to Energizing Kowloon East by the Development Bureau shall be reduced; and Amendment No 1 013, which is to this effect: Resolved that the amount equal to the annual provision of the remuneration of the four posts proposed to be created by the Development Bureau (Works Branch) for the purpose of increasing support for land supply shall be reduced.

Chairman, why should ... forget this Energizing Kowloon East, I am tired of it. It is useless and we do not know if this overhead light rail is to be built or not. We know nothing about the costs for that project either. This overhead light rail is the key to linking up the entire project with the cruise terminal. Now it is a big unknown. How can I approve the funding for it? What is the use of approving the funding? Energizing Kowloon East is itself a wrong concept. The Development Bureau (Works Branch) can never shirk its responsibility in this. Things it wants to build are good-for-nothing. We do not know if these things it wants to build can ever be built. So it is not too much when I want to reduce its annual provision.

Chairman, many people do not understand me and they ask me: "Long Hair", why do you propose slashing the expenditure all the time? In fact, originally I intend to use the funding in other places which should have their expenditures increased, but I do not have the right to increase expenditure. Chairman, I think that the best approach is for each Policy Bureau to apply for funding from us. In this way, we can suggest to the bureaux which funding applications should be increased or reduced. Many people who are brainwashed by the pro-establishment camp do not understand this. Actually, we can only reduce funding and we cannot increase funding. If we have the power to increase funding, we can certainly do it. The entire Energizing Kowloon East project is meant to please the DAB and the FTU. In other words, it is a project to please people and as a reward. I will not talk about it any more.

Why do I want to reduce the annual expenditure in remuneration for the four posts to be created by the Development Bureau (Works Branch) to enhance support for land supply? Chairman, we have said a countless number of times and this is once more. This so-called "one chicken for one dollar" project is a scam. Do you know? These so-called clubs only have to pay one dollar and they can use the land for a long period of time. Those lawn bowling clubs are examples. We all know that and this is where Mr NG Leung-sing likes to go often. These clubs ... actually all Members of the Legislative Council should declare their interests and state whether or not they are members of these clubs. I do not know if are a member of any club. Oh, you join the Chariot Club.

CHAIRMAN (in Cantonese): Mr LEUNG, which amendment are you speaking on?

MR LEUNG KWOK-HUNG (in Cantonese): Amendment No 1013.

CHAIRMAN (in Cantonese): How is the amendment related to what you are speaking?

MR LEUNG KWOK-HUNG (in Cantonese): They are certainly related. His bureau is responsible for resuming land and why does it not resume the land of those "one-dollar clubs"? Buddy, I have walked past many such clubs and they all occupy a large piece of land ...

CHAIRMAN (in Cantonese): Please do not add in any content which is not related, such as saying which Members are the members of which clubs.

MR LEUNG KWOK-HUNG (in Cantonese): I know that you are a member of the Chariot Club and the Chariot Club is a commercial ...

CHAIRMAN (in Cantonese): Please do not mention anything not related.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, owing to the New Territories East problems, I went with Members to the Fanling Golf Club ...

CHAIRMAN (in Cantonese): And you were refused admission. Mr LEUNG, you have talked about this event many times.

MR LEUNG KWOK-HUNG (in Cantonese): No, you are wrong. It is not like this. I asked them why they occupied the land for playing golf. They said that the golf course had a long history and it was a landmark for Hong Kong. Buddy, why do they not apply to declare the golf course as a monument? If they do so, they can be exempted. But they refuse to do so. As Mrs Regina IP has said, nothing can be done if they do so.

CHAIRMAN (in Cantonese): Mr LEUNG, what you are saying has got nothing to do with Amendment No 1013 which you have proposed.

MR LEUNG KWOK-HUNG (in Cantonese): Why are they not related? When the Development Bureau does not ... The Development Bureau does not report to us how these clubs are used although these clubs are meant to be open for public use. How are they used by the public? Do they deter members of the public from using it? Are the fees charged affordable?

CHAIRMAN (in Cantonese): How is this related to the proposal made by the Development Bureau to create four posts to enhance support to increase land supply?

MR LEUNG KWOK-HUNG (in Cantonese): If it can ask these clubs for the land, then it will not have to grab land blindly and there will not be a need to do what Mr LEUNG Yiu-chung has just said that it wants even to grab a small piece of greenery from the people to build houses. It should snatch the land from those clubs. Like what Chairman MAO has said, it should "beat the local tyrants and divide the land" and it will be fine. Do you not think so? You say it is wrong. Then I will not talk about it. I have a heap of information with me. But it has not done its job and it has caused this impasse.

Second, it has never given any exact figures on the raw land and ripe land in Hong Kong. This prevents us from monitoring. It does not know how much land it has. So how can it hope to increase land supply? I have said a countless number of times and now I am doing it again. The examples I am going to cite are the ones which you have never heard about. In my constituency, such as in Lam Chuen, those local tyrants want to have more land to build houses and therefore they fill the farmland with garbage and build houses on it for sale. This is how those local tyrants increase the land supply. We are using public money to pay for the annual salary expenditure for these four posts. How much is that? It should be \$4.404 million. Chairman, do you have a salary as much as this? I am wasting time. So it is right for me to reduce its expenditure. Since you are unhappy about it, I will skip it. This is because there are a countless number of other things. I will talk about other things.

Another thing is about Anthony CHEUNG, Secretary for Transport and Housing. Is that all right?

CHAIRMAN (in Cantonese): Are you speaking on another amendment?

MR LEUNG KWOK-HUNG (in Cantonese): Yes. You say that I cannot speak for too long. And so I am using this hit-and-run tactic. I am now speaking on Amendment No 993 and it is about Secretary Anthony CHEUNG. On transport, yesterday he said that if the committee appointed by the Government found him covering up anything, he would resign immediately. Need it be that troublesome before he will resign? The people are asking him if he has got any responsibility ... PARK Geun-hye would not have said this: "If the committee I appoint finds me to be in dereliction of my duties, I will apologize." She does not say that. It is very simple. Anthony CHEUNG knows about everything. The CEO of the MTR Corporation, that hairless guy, Jay WALDER, is taller than CHEUNG and I do not know if he likes to bully CHEUNG or if he slaps him on the head, or says to CHEUNG that he cannot disclose anything about the delay in the works. This is because if it is disclosed, the contractors will ask for a sky-high price. WALDER tells CHEUNG that if this is disclosed, it will mean a big trouble. It is because the contractors will hear about it. This is really a waste of time. How can he give a statement like this? Mr Dennis KWOK, if it is a trial in a court of law, he will be deemed as a dishonest witness, right? Does he think that the cat will not come out of the bag? He can cheat us, but he cannot cheat the contractors. Buddy, the contractors know about the progress of the works projects. It is outrageous to see him tell a lie like this. WALDER must be lying and by induction, Paul CHAN is either a fool or he is such a treacherous fellow. I say he is a fool because he believes in what WALDER has said ...

CHAIRMAN (in Cantonese): Do you want to talk about Secretary Paul CHAN or Secretary Anthony CHEUNG?

MR LEUNG KWOK-HUNG (in Cantonese): What? CHEUNG Mo-po? It should be Anthony CHEUNG. The conduct of these two men resembles each other so much. I am sorry.

There are only two possibilities. Anthony CHEUNG is either a fool or a crafty man. If he is foolish, we may as well forgive him. But he has to resign. If he is crafty, then it is really bad. And we must never let him stay. Chairman, I have said many times that once a person is a policy secretary, he or she has to act like a man and bear the responsibility of the entire family. A man should shoulder the responsibility of his family. If he says he cannot do it, then he should not get married and have any children. Or he can choose to end his life. This is giving a way out for his children and they can be sent to an orphanage. What he is saying now is ridiculous. He says that he knows nothing and he says that this is what WALDER has told him. He says that he does not hide anything and it is just that he keeps the secret for one year. After people have found it out, he admits it at once. Buddy, is this not covering things up? Chairman, he denies it and says that this cannot be considered as covering things up. He even talks boldly that if anyone proves that he has concealed anything, he will resign. This has been proven by other people and it is just that he denies it. Do we have to take the trouble of setting up a government committee to prove a conclusion that a kid knows? Was it necessary for the father of George WASHINGTON to wield an axe and ask him whether or not he had eaten the apples? Do we have to wield an axe before he admits everything?

When we see Anthony CHEUNG, a colleague of Paul CHAN, he is also an eyesore to us. Anthony CHEUNG should resign because of this Express Rail incident. We are not saying that he has made a lot of mistakes. It is just that we want to hold him accountable. What I mean is, with respect to things that he should oversee, he has failed to do so. And when Jay WALDER tells him to pretend that he does not see the delay, he really pretends to see nothing. Should he not resign because of this? Chairman, this is the same thing regarding the Watergate affair of President NIXON. He had someone to come to the White House and make the recording, for he was afraid that KISSINGER would betray him. He said that he knew nothing about it. But when the recording was played, it proved that he was aware of it. And he even asked people to hide the tapes. In the end he had to resign because of these tapes. NIXON was a President and he got millions of votes. Buddy, what NIXON did was that he just forgot something and he put four tapes into his pocket for about one year. And he had to resign after he had taken these tapes out. So how can Anthony CHEUNG evade his responsibility?

I therefore think that now as we want him to resign, we are being humble. It is because he should have resigned at his own initiative. Just think, the fellow XIANG Yu, a hero in Chinese history, who said that he had no face to see his folks on the other side of the river. He could have escaped but in the end he chose to slay himself. This was because he felt he had no face to see his folks. And we are now like these folks. We are there to oversee his conduct. We are like parents to him. In China, officials are called parents of the people. In overseas countries, the politicians call themselves sons of the people. Those who are at the top echelons of power call themselves sons and grandsons. This is a sign of humbleness. XIANG Yu the overlord of Chu knew that he did not have the face to see his folks and he resorted to slaying himself. Why does Anthony CHEUNG choose to live in shame and disgrace? Does he have to wait for his white knight?

Chairman, the corruption of a bureaucratic system is due to the fact that incompetent persons or shameless persons are in power. And as those at the top are like this, those below will be much more like this. If Anthony CHEUNG can stay on being the Secretary for Transport and Housing, then who cannot make the same mistake in his official capacity? Right? Paul CHAN has set a precedent. CHEUNG can follow suit. And he can say that this is what Paul CHAN has done. So we often mix them up. This is what Paul CHAN and Anthony CHEUNG do. When Anthony CHEUNG is doing this, I do not know someone will do the same tomorrow. As we oversee the Government today, we are not doing this because we have any personal grudges with it. Actually, I do not know Anthony CHEUNG at all. I do not even say hello to him. Once I was handing out some leaflets at the Hong Kong Institute of Education and I saw him. He did not even take out his hand to get one. At the time of the referendum for five constituencies, he even walked past me, pretending that he did not see me.

Chairman, I am not taking a public revenge against them. The ancient Chinese general SHI Da-kai once said to this effect: Not for the sake of taking revenge and not for the sake of courting any favour. I am just trying to see justice done. Some people say that he is a member of the Democratic Party. This is a waste of my time. My argument is, and would those who are dozing off hear me clearly, Anthony CHEUNG refuses to admit his faults and he does not know that he makes mistakes. He does not deserve to be a Secretary. He should be an academic. As the Chairman has said, there is no rule saying that an

academic cannot lie. This is true. It is because what an academic says is only based on induction. When an academic talks in a most fanciful way, he is no more than an academic. But an academic has authority. It is all right when an academic says that the sun is square. It is because the statement has to be proven and such a view will not affect anyone. It is all right when he says in his ivory tower that the sun is square. It would be okay if he is paid \$80,000 to \$100,000 a month. Anthony CHEUNG did not undertake any research when he was an academic. Just think, what articles has he published? But when he is an official, he wants to be an academic. He tries to prove that the sum of the interior angles of a triangle is 440 degrees. He is talking like this. Chairman, we have been paying him his salary. It does not matter so much if an academic becomes an official. When an academic becomes an official, he may enhance the integrity of the circle of officials. But when an academic-turned-official is corrupted by the circle of officials and becomes a bad official, he should leave his office. Right? Do not stay there and embarrass himself. Please go away. John TSANG, tell him to go away. Go away.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, the focus of my speech is the Amendment to head 186, which seeks to deduct \$2,423,400, approximately equivalent to the estimated annual expenditure for the emoluments of the Commissioner for Transport (the Commissioner).

Chairman, in my speech, I will focus on several policy areas when explaining why I consider it necessary to deduct this item of estimated expenditure. They include the transport problems on Lantau, the problems related to outlying island ferry services, the policies on minibuses and bus route rationalization as well as the problems related to the Light Rail. Originally, I also wanted to discuss the issues related to the MTRCL but since Members also have the opportunity to discuss them on other occasions, I do not intend to talk about them in detail here. I will only focus my discussion on the several policy areas mentioned just now.

First, let me talk about the transport problems on Lantau. Chairman, I believe you also know that due to the Individual Visit Scheme, the number of visitors to Lantau is on the increase and there is great demand for bus services on Lantau. For this reason, Members can often find that there are a lot of passengers waiting at the Tung Chung bus terminus. When residents of Tai O

want to travel to other places, very often they have to wait for three or four buses before they can board one.

It can thus be seen that a good job is not being done in respect of the transport policy. The authorities condone the New Lantao Bus Company (1973) Limited (NLB) in operating its bus services in an unreasonable manner. As a result, the problem of crowding cannot be dealt with properly. Residents hope very much that NLB can increase the number of empty buses that begin to pick up passengers only at the *en route* stops but NLB has all along refused to do so, sticking only to the original frequency. It is only when large numbers of passengers are waiting for buses that it would deploy one or two empty buses to ease passenger demand.

We once had discussions with the Transport Department but apparently, it could not come up with any solution and could only leave it to NLB to deal with the problem on its own. I think that the Transport Department — in particular, the Commissioner — has to assume responsibility for this. She should deal with this problem solemnly. However, she is derelict of her duties and has not paid any attention to this.

In addition, there is the issue of charging holiday fares for the ferry services of outlying islands. Holiday fares are targeted at visitors and the original intention of charging visitors higher fares for taking ferries during holidays is to compensate the losses incurred during weekdays. However, if residents on outlying islands take ferries during holidays, they have to pay holiday fares all the same. Such an arrangement is indeed unfair to them.

Similarly, on weekdays, residents on Lantau taking buses have to pay high fares already, and during holidays, they have to pay even higher fares. What is the rationale? The original intention of the policy was to target visitors but it did not realize that residents would also suffer. In this regard, we once demanded that NLB issue resident cards to residents with a view to easing the burden of transport fares on local residents but NLB was unwilling to do so. In fact, in the 1970s, Tai O residents were issued resident cards and the bus fares were cheaper for holders of such cards. However, for some unknown reasons, this arrangement was subsequently cancelled. We demanded that NLB reinstate this arrangement but to no avail. As a result, residents have to pay high fares.

Chairman, it goes without saying that residents have to bear high fares but there is an even bigger problem. In the past, more than 20 000 residents lived in Tai O but now, there are only 2 000 or 3 000 people. Why? It is because the younger generation cannot find employment locally, so they have to move to the urban area. However, after doing so, they can only go back to Tai O to visit their parents during holidays. If an entire family goes back to Tai O to visit their elderly members, the transport fares can really cost a lot. For this reason, often, these families would not go back to Tai O to visit their elderly members and these aged members have to leave Tai O to visit their family members instead. Chairman, if these elderly people are mobile, there is no problem but the problem is that some of them are mobility-handicapped, so what are they supposed to do? As a result, the two generations have become increasingly alienated. This is the adverse consequence of a poor job being done with regard to this policy.

Chairman, in fact, the problem of holiday fares is faced not only by residents on Lantau but also by residents on other outlying islands.

The population on Peng Chau is declining and what is the cause? Often, residents who originally lived in the urban areas move to the outlying islands because they cannot afford the high rents in the urban area and Peng Chau is one of their options. However, often, they find that they have got into a raw deal because although the rents on Peng Chau are lower, the problem is that the transport fares are very high. To reach their travel destinations, they have to first take a ferry to Hong Kong Island, and then change to other means of transport. As a result, the transport fares are very high. In addition, the fares for ferry services rise every year.

We once demanded that the Government offer greater financial assistance to residents on outlying islands to prevent the populations on outlying islands from declining further. If the populations on them decline, the revenues of ferry companies will also decrease and in that case, there is no alternative but to increase the fares to sustain operation but after the fare increases, the population will decline further, thus creating a vicious circle. What good would this do? This would not do any good. I once asked the Government if measures could be taken to provide subsidies to residents of outlying islands but the Government said this could not be done. As a result, as Members can see now, the populations on outlying islands like Peng Chau are declining. It can thus be

seen that the Government's existing policy cannot cater to the needs of residents on outlying islands at all, so I believe the Commissioner has committed dereliction of duty.

Apart from ferry services, I also wish to talk about minibus services. As we all know, the greatest problem facing minibus operators is the acute shortage of drivers. Many minibus operators tell us that at present, the situation of having no one to drive the vehicles has arisen, so the vehicles can only be left idle. The lack of drivers also leads to another problem. Often, members of the public complain to us that minibus services are unsatisfactory, with frequent delays and insufficient frequencies and during rush hours or before and after school hours, they have to wait for a long time for minibuses. Therefore, they demand that minibus operators increase service frequencies.

However, minibus operators often say that there is nothing they can do either because they are trying continually to recruit people but no one is willing to join the trade. In order to solve the problem, minibus operators propose that the number of seats in minibuses be increased, so as to increase the passenger-carrying capacity to meet demand or ease the present problem of a shortage of minibus drivers. However, the Transport Department has turned a deaf ear and a blind eye to this. All these are problems that the Commissioner should deal with under her policy portfolio. Has she ever dealt with them positively and earnestly?

There is also the issue of bus route rationalization. For some years, bus companies would rationalize their bus routes every year but in the last couple of years, a major problem has arisen. What is called "bus route rationalization" is actually a reduction of bus routes. Originally, the public could take buses directly to their destinations or reach their destinations after interchanging to other bus routes. However, after bus route rationalization, some members of the public complain to me that in the past, after taking a bus from Tuen Mun or Hung Shui Kiu to Tseun Wan, they could interchange to other bus routes and reach their destinations but now, even if they interchange to a different bus route, they cannot reach their destinations. They say that if they still cannot reach their destinations after interchanging to other bus routes, they can only walk. But the problem is that the fares are even higher than those in the past.

Chairman, the original intention of bus route rationalization is to ease traffic congestion so that traffic can be smoother and the public can enjoy some convenience. However, the outcome is not the expected one and instead, residents have to leave home early because no matter how they interchange, they still cannot reach their destinations and still have to walk. Moreover, the fares are even higher. What are the reasons? Apart from the fact that the Commissioner is not doing her best, I really cannot think of other reasons. Maybe she has colluded with bus companies. However, I have no evidence, so I cannot come to such a conclusion. What else can I say? There is nothing I can say at all. Therefore, in the final analysis, she must have committed dereliction of duties.

Apart from the problems arising from bus route rationalization as mentioned by me just now, another problem is that the situation of lost trips is also very serious. There are lengthy delays in bus services. Although bus companies have set up hotlines, this problem still persists, so this is an intractable problem. The Transport Department has told us that this is probably attributable to the fact that some bus routes are too long and pass through many areas in town centres, so there may be traffic congestions, thus leading to delays in bus services. However, Chairman, the Transport Department should not offer such an explanation. Instead, it should deal with this problem, rather than explaining for explanation's sake. Granted that this is really the cause, can a better job be done in bus route rationalization so that there will not be any lost trips? This is the responsibility of the Transport Department. However, the Transport Department pays no heed to the situation and just lets the situation persist. Although we have had discussions and meetings with the Transport Department continually, the problem remains unsolved. If this is not the responsibility of the Commissioner, whose responsibility is this?

After discussing the issue of bus route rationalization, I now wish to discuss the problems related to the Light Rail. The Light Rail has a history of over two decades and the problems associated with it are well-known. For example, during rush hours, the train fleet consists mainly of single-carriage trains; but in non-rush hours, the train fleet consists mainly of two-carriage trains. I have no idea why this is so and each time I ask the MTR Corporation Limited (MTRCL), I cannot get a clear answer.

In fact, as we all know, this is because during rush hours, the MTRCL has to deploy carriages to serve other routes so as to increase service frequencies. It

is not possible to arrange for two-carriage trains to provide service, thus leading to the situation of having only single-carriage trains to provide services. It can thus be seen that the number of trains used by the Light Rail is insufficient. Notwithstanding this, in the past four years, the number of carriages of the Light Rail only increased by six. Of these six carriages, however, two or four of them could not be used any further after being damaged in collisions. Yet the MTRCL did not procure any more new carriages. Although apparently, the number of carriages has increased, the actual increase is very small, so it cannot meet passenger demand. As a result, passengers cannot board the trains even though they have waited for several trains. As I said just now, the Public Complaints Office has received quite a number of complaints and made site inspections with the colleagues of various departments, including those of the Transport Department, but the problem persists.

Apart from the resolved problem of passengers having to wait for a long time for trains, another problem is related to the potential dangers on the platforms of the Light Rail. As we all know, the platforms of the Light Rail are small and when they are crowded, the passengers waiting there may fall onto the tracks inadvertently. Moreover, signal-controlled pedestrian crossings are located not far from the platforms, making it very dangerous for members of the public to cross the roads. Members may simply go to the Yuen Long Main Road and they will find that large groups of people stand at the crossings, so many so that they are almost forced to step onto the motorway, thus giving rise to many dangerous scenes.

In fact, the Light Rail should not continue to exist. Even if the Light Rail is allowed to operate, it must be converted into an elevated railway. Unfortunately, the Commissioner has never dealt with this problem seriously but just lets the Light Rail have its way. At the most, she would only make the comment that "the frequency must be increased" but everything is just empty talk when no actual steps have been taken to force the MTRCL to do something. At the same time, no study has been conducted on the potential dangers posed by the platforms as I mentioned just now.

Residents and a number of Honourable colleagues in this Council have said that the Light Rail must be converted from an at-grade railway line to an elevated railway before the problems can be solved. Still, the Commissioner has neither taken any action nor paid any heed. As the Commissioner, what matters has she dealt with? I have no idea.

The problems related to the services of the Light Rail, minibuses, ferries and buses on Lantau, as well as bus route rationalization, are actually only the tip of the iceberg. Chairman, there are still many policy issues calling for serious actions from the Commissioner but she has not dealt with them properly. In view of this, since an Honourable colleague proposed to deduct the estimated expenditure for her emoluments, I believe we have no alternative but to do so.

Chairman, I so submit.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, in this session, I will first put forward more justifications in support of deducting part of the expenditure for the Buildings Department. The management of the Buildings Department is chaotic. There is a mismatch in its manpower, which is grossly inadequate. The widespread discontent among its staff members has triggered much wrath and dissatisfaction.

In the last session, I pointed out many of the duties that its staff members had to perform. They have to visit local communities to carry out inspections in relation to their cases, prepare reports, monitor unauthorized building works and buildings in disrepair, deal with burst pipes, demolish signboards, approve the charges for works, inspect buildings and windows, examine building plans, which I did not talk about last time. Staff members' workload is already onerous. Coupled with the fact that the Government introduced a series of programmes in recent years, including the mandatory building inspection and the window inspection schemes, without increasing the manpower proportionately, the surge in the workload of its staff members has been said to be higher than the mountains. Often, after the Government has announced a policy to the public, for example, the Mandatory Building Inspection Scheme, details of the policy is still unknown to its staff members — this is the view of the staff members — nor do they know how it should be implemented. It can be seen that the management of the Buildings Department is chaotic and the Department only wants to pursue grandiose plans and achievements. Its thinking is quite aggressive but it does not take into account the capability of the executing officers under its charge and the issue of complementary measures.

The Government also introduced within a short period a building inspection scheme for six quarters. However, since its manpower was limited, it happened that the jobs in the first quarter could not be done properly, and a lot of complaints were resulted. In the end, its staff members could not finish their work no matter how they made haste, so they could only work overtime but they still could not finish their work. Their morale was low, thus creating a vicious circle. Each day, they have to visit local communities to carry out inspections in relation to three or four cases and prepare reports in the office. On the next day, they have to take phone calls as well as study several cases and write reports. They did not know what they should do first. What was the consequence? The consequence was that the reports were piled high and they could not deal with them. Eventually they were complained against by the public.

In the end, these staff members staged a two-hour strike during lunch time on the last occasion. Of course, it seemed that the scale of the industrial action was very small. For a government department, however, it was a rather serious warning. They demanded that "The frontline needs help desperately, manpower be increased right away, another 500 staff members be hired to bring the ratio back to normal; the management should rebuild morale, enhance efficiency, turn long-term acting appointments into permanent posts; third, give proper names to the posts and prescribe job duties clearly; fourth" — which has been done — "replace the Director with an Administrative Officer with knowledge of governance and redistribute resources.". However, does meeting the fourth demand mean that all demands have been met? I am not going to wrangle over this but having regard to the facts, examples, analysis and arguments cited by me just now, Members can support Amendment Nos 418 to 425, that is, the amendments related to deductions in respect of the Buildings Department.

Next, this part is, of course, one of the main dishes, that is, the deduction of the expenditures for the Development Bureau. The Development Bureau can be divided into two parts, that is, "Head 138 — Government Secretariat: Development Bureau (Planning and Lands Branch)", to which Amendment Nos 618 to 659 relate, and there are as many as 42 amendments in all. The other part is "Head 159 — Government Secretariat: Development Bureau (Works Branch)", from No 106 to ... or rather, Amendment No 1006, as I have overlooked one 0. They are Amendment Nos 1006 to 1017, which are related to the Works Branch and there are 12 amendments altogether. It can be seen that the Development Bureau is again a disaster zone or war zone in terms of the amendments proposed by Members this time around. Of course, it is said that

"to catch the brigands, one has to catch their king first". Therefore, instead of deducting all expenditures, we had better delete the post of the Secretary altogether. Therefore, I strongly recommend Amendment Nos 630 and 631 to Members because coincidentally, they both propose that an amount of \$3.38 million, approximately equivalent to the estimated annual expenditure for the emoluments of the post of the Secretary for Development, be deducted. The Under Secretary will also get his share in Amendment Nos 632 and 633, which seek to deduct an amount approximately equivalent to the estimated annual expenditure for the emoluments of the post of the Under Secretary. I will tell Members how much the annual emoluments of the Under Secretary is — it is \$2.54 million.

All right, something "fresh from the oven". In the past few days, Secretary Paul CHAN said publicly that he was very much concerned that if the Legislative Council could not vote on the Budget, the filibustering would affect a number of measures taken by the Development Bureau, including those related to land supply. He said he was very much afraid that members of the public would be victimized. In the final analysis, Members, in sitting a while longer here, we are monitoring the operation of the Government and there is a basis for us to do so. However, if this Secretary, who has committed the dereliction of duties, sits a while longer, this will only lead to the administration being thrown out of balance and a breakdown of communication with the public and ultimately, Hong Kong will have to bear the adverse consequences. "Paul of sub-divided units", "Paul of drink driving", "Paul of land hoarding", "Paul of indiscriminate snatching". I think if we want to topple any one Secretary, the best bet favoured by the greatest number of people would surely be Paul, that is, the toppling of Secretary Paul CHAN. In terms of the number of people taking part in a rally calling for the resignation of a particular Secretary and the intensity of public anger, I think only Mrs Regina IP, the former Secretary who was involved in the legislation on Article 23 of the Basic Law, could give rise to such a scene.

If we want to deduct the Secretary's pay, surely we have to look at some figures. The SAR Government is supporting a group of Secretaries with negative ratings, that is, Secretaries who are negative assets. Among such Secretaries, the popularity of Paul CHAN, at -34%, is the lowest. It looks as if he were twins with LEUNG Chun-ying as the two have both joined the ranks of those with "depressing" performance. Of course, LEUNG Chun-ying put Paul CHAN in an important position because he wants both of them to provide cover for one another, that is, when he is involved in a scandal, he can hold out for a

while, then a scandal involving the other person will be exposed and the mass media will change their target and attack the other person, so that he can take a breath.

The most pathetic situation facing society nowadays is that the Chairman has the power to terminate our debate and disallow us to inveigh Paul CHAN indefinitely. However, the Hong Kong public do not have the power to remove our Secretaries from office. For example, the Chairman queried today how possibly the motions passed by elected Members could have binding power.

At a special meeting of the Development Panel of the Legislative Council held last year, a motion moved by Mr Albert CHAN demanding that Paul CHAN step down was passed. Do Members still remember? That one was passed. The positions of the pro-democracy camp and the pro-establishment camp were very clear. At that time, with 11 votes in favour and seven votes against, the motion demanding that Paul CHAN step down was passed and in my experience in the legislature, that was unprecedented, that is, a motion demanding the stepping down of a Secretary was passed. However, that motion was not binding, so although the motion was passed, the Secretary's attitude, that of being brazen and shameless, remains the same, and he just sits a while longer and continues to stay in his post.

I wonder if Secretary Paul CHAN remembers — excluding Anthony CHEUNG of late — that in the one year or so since LEUNG Chun-ying came to power, even he himself and the Development Bureau, that is, including the Secretary for Development, Paul CHAN, several senior officials have had problems in their integrity and of course, his predecessor, MAK Chai-kwong, is also one of them. All of them were involved in misconduct in public office, so the allegations are actually directed at the issues rather than at individuals. As regards "hopping onto another boat", the departure of Political Assistants, and so on, that happened in succession subsequently, I am not going to discuss them in depth any more.

In fact, according to the usage figures released in 2013 by Facebook, which has 2.9 million users in Hong Kong, among the top 10 hottest topics in Hong Kong, typhoons ranked the first, LEUNG Chun-ying ranked the second, Paul CHAN ranked the third and it came as a surprise that I ranked the fifth. An analysis points out that judging from the ranking, it can be seen that what Hong Kong people are the most concerned about is typhoons but of course, Paul CHAN and LEUNG Chun-ying are figures attracting typhoons and storms. People

often say that "there is nothing as the most shameless but what is even more shameless". If we compare Paul CHAN and LEUNG Chun-ying, they are abreast of each other.

I will go back to the incidents. What are the consequences of filibustering that Paul CHAN worried about most? It is the failure of the Budget to gain passage. He said he was not concerned about elderly people not being able to receive CSSA payments, nor civil servants not being able to receive their pay. He said that if the filibuster went on and the funds could not be available in early June, there would not be any money to pay the water charges. What he meant was that there would not be any means to pay the charges amounting to some \$360 million due in May for water from Dongjiang. After his saying so, the number of our supporters has surged instead because all of us doubt that having to allocate funds to pay for water from Dongjiang is tantamount to throwing water into the sea.

This Secretary does not care about the grassroots at all. In recent days, Paul CHAN said in a special meeting of the Finance Committee of the Legislative Council that the cumulative increase in the price of water from Dongjiang over the past five years was 26% but water charges had not been adjusted in the past 19 years and that in Hong Kong, 14% of water consumers did not have to pay any water charges and the goal of the authorities was to recover the costs gradually. From one small clue, one can see what is significant. Of course, this person called Paul CHAN is most concerned about what the effects on his own department will be. Moreover, from the perspective of water charges, he has never cared about the low-income group, in particular, the "n have-nots".

The Government also has a policy to offer waivers and reductions on electrical tariffs. Fourteen percent of water users need not pay any water charges. Who are they? They are the grassroots. They save water and scrimp on their daily expenses. I know that some impoverished members of the public turn their taps down to a minimal flow for water to drip in droplets, hoping that their water meters would tick more slowly. In that way, they will not have to pay any water charge. If the Secretary for Development wants to contrive all means to catch these people who use so little water in the net of paying water charges in the future but there is no well-conceived mechanism for determining water charges, doesn't this mean that he cares little about the lower class in society?

At present, the problem of wealth disparity is very serious in Hong Kong. On the one hand, the authorities say that they want to help the poor and alleviate the hardship of the public; on the other, they say that they want to recover the cost for supplying water by targeting low-income families. It is absolutely difficult for us to support this point. In fact, it is desirable to introduce seawater desalination technology. We say that we do not want to buy water from Dongjiang. We have debated with the Government at the meetings of the relevant Panel for a long time, asking it to go full steam ahead in developing seawater desalination technology. There are many problems with the water from Dongjiang. Later on, we will discuss this in greater detail when addressing the issue of water charges.

At present, regarding the plans of the Development Bureau, upon completion of the trials on seawater desalination, and even if they are successful, the increase in water supply will still be less than 10%, so it would still be necessary for Hong Kong to buy water from Dongjiang. This year, the amount of money to be spent on buying water from Dongjiang is close to \$4 billion, or \$3.96 billion. In respect of water supply, what is situation like in Hong Kong now? Last year, the volume of natural rain water that had to be discharged from nine reservoirs in Hong Kong because of the need to fill them with water from Dongjiang reached 40 million cubic metres, equivalent to about 15 000 Olympic-sized swimming pools. As a result, Paul CHAN has got another moniker, "Paul the water thrower". We have said that no matter whether we use the water from Dongjiang or not, we still have to pay that sum of money because all the water is bought in one go.

The wrongdoing of "Paul the water thrower" is that he is unwilling to take on board public opinions and our views by re-examining the issue of buying Dongjiang water. He only allows the authorities to increase the water charges and throw away water but prohibits the poor to scrimp on water charges to save money. This is not his principal sin. As he has made comments on the issue of water charges, I also talk about it in passing. Of course, the recent biggest crime of his, from new ones to old ones and in a reverse order ... another reason for Paul CHAN's concern about filibustering is that it has spread to the meetings of other committees. Of course, the Financial Committee is now dealing with the kick-off grants for the North East New Territories New Development Areas and this is why he said they had been delayed. However, my view is that so long as this "Paul of Land Hoarding" remains in his post, Members are not discharging their duties properly if they do not delay him in passing the grants.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, as the saying goes, "It is hard to live up to a great reputation.". After listening to Mr CHAN Chi-chuen talking about Paul this and Paul that, I find that Paul CHAN actually cannot live up to his namesake at all.

Now, I wish to talk about Amendment No 1005 proposed by Mr Albert CHAN, which resolves that head 158 be deducted by \$500,000 in respect of subhead 000 to deduct an amount approximately equivalent to the annual estimated expenditure for the remuneration of a Housing Researcher engaged on non-civil-service contract terms by the Office of the Secretary for Transport and Housing to provide support on housing policies.

The first thing that I wish to point out is: Why is it necessary to hire such an employee? Can a civil servant be seconded to work there? This is something that I have no way of knowing and I can only conjecture that there are no such outstanding or obedient people in the Civil Service. We are talking about the post of Housing Researcher, which is a very important post and \$500,000 in emoluments is no small sum. Why do I think that no funds should be allocated? The reason is: If you think about the so-called rent control legislation under the housing policy — Chairman, you also know about this matter as it is highly controversial and the rents for flats are now sky-high. The Government is just like a human being, so the thinking of its left and right brains should be co-ordinated and they should function together. After LEUNG Chun-ying took office, he said, "Property prices are too high now, so we have to suppress them.". Therefore, he introduced the double-curb measures and triple-curb measures. Every measure is potent, thus making the pro-establishment camp fall out with him. Property prices and rents are definitely related, so the Government has taken many measures with a great deal of fanfare in this regard, saying that it wants to suppress property prices by all means. Now, the market situation has eased a little and he is asked if he can ease up a little as well. However, Anthony CHEUNG — or rather, Paul CHAN — has come out to say that this would not do.

Chairman, I do not know how the Housing Researcher conducts his research. If property prices are suppressed but not rents, can you imagine what the conclusion could be? The conclusion is inconceivable. The legislation on rent that we talk about is actually ...

CHAIRMAN (in Cantonese): Mr LEUNG, you are now discussing property prices and the policy on rent but what relationship do they have with the creation of the post of Housing Researcher?

MR LEUNG KWOK-HUNG (in Cantonese): Since the Government is unwilling to study the most important thing, why does it still want to hire a Researcher? The legislation on rent control is the core issue of the whole housing policy ... I support that no funds be allocated to him.

CHAIRMAN (in Cantonese): Since you have pointed out that there are problems with the housing policy, is the creation of the post of Researcher not justified?

MR LEUNG KWOK-HUNG (in Cantonese): What? At present, he says that he won't do it, so why does he still want to hire a Researcher? He said that after consideration, he decided not to take any action. Chairman, you have forgotten that initially, when we criticized him harshly — swinging punches at him — Anthony CHEUNG talked about this a number of times. On the first occasion, he said he would not do such a thing. Next, he said, "We will consider doing so". After saying so, now that people have criticized him, he says again that he will not do so. This is what he is like. This means the Government will no longer examine if the legislation on rent control should be reinstated. He has gone through many struggles.

This is very simple: By creating a post, he does not seek to research on an issue of utmost concern to me or many people, an issue the thinking of which is at odds with the Government's policy on property prices. Why should property prices be suppressed but not rents? Frankly speaking, I also want to listen to this a little bit because this is about a rate, that is, there is a certain rate between property prices and rents. Which is most important?

Chairman, there is also another anomaly, that is, the cheaper the rent of a room is, the higher the rent per square foot will be. This is an anomaly. It should be that the pricier a flat is, the higher the rent per square foot will be. But now, this situation makes the utterly destitute pay very high rent for one square foot of space rented but pay lower rent instead if he rents two square feet of space. This is surely a problem and a matter of rent-seeking activities. Rent-seeking activities target the utterly destitute, who are robbed and fleeced.

No matter whether you have to sleep standing in one square foot of space or not, you have to stand all the same but the rent for one square foot is even higher. If you rent a unit of 1 000 sq ft, you can change your demand to 800 sq ft. The legislation on rent is actually divided into two areas, the first being rent control, that is, within a certain time limit, the increase in rent has to follow a certain rate and the second is to drive away tenants — the cancellation of tenancy agreements must conform to a rate. Why do I want to cancel the post of Housing Researcher? Rent is one of the reasons.

Second, on the issue of how to solve the problem of overcrowding facing public housing tenants, again, the Legislative Council is overwhelmed in this regard. That means if you think that there is such a thing as spacious households, you have to consider how this problem can be solved. After looking at the statistics, the Government thinks that by limiting the space for each person at a certain level, it can drive away the greatest number of people, so it immediately set the limit at such a level. This policy changes all the time and residents can ill adapt to it. Why? Let me cite an example. Many elderly people think that they would live out their old age in their homes. You can say they have attachment, are too lazy to move or are familiar with their communities. If elderly people have to move, 90% of them will experience problems right away. In view of this, the authorities target elderly people specifically because the children of these elderly people have already died or have moved out long ago, leaving them to live alone, so the Government says that the homes of these elderly people are considered spacious households and it wants to drive them away. What kind of Government is this? It does not adopt people as ...

CHAIRMAN (in Cantonese): Mr LEUNG, how is this related to the post of Housing Researcher?

MR LEUNG KWOK-HUNG (in Cantonese): Of course this is related, buddy. This is the housing policy, the policy on public housing. The Government has not conducted any research and says that there is no need to solve the problems relating to the policy on spacious households, and that where possible, it will not drive elderly people out. In fact, in saying "where possible", it is just wasting time, just as you would let me speak where possible but ultimately, you want to guillotine the filibustering.

Since it is said that there is a core value in each policy, if a policy is "people-oriented", it should be oriented to people who are the most disadvantaged, the most helpless or those who will experience irreversible consequences after being affected by the policy, the Government definitely cannot disturb them and by this I mean elderly people. That means: First, elderly people would not live in their homes for too long and after they have passed away, their units will be returned to the Government because sooner or later, they will live in the "paper houses" offered to them. In the Public Complaints Office, we have discussed this policy until our mouths are dry. For one thing, the Government considers this policy to be the most effective but I consider it otherwise. Second, another issue arising from the Government's housing policy is that in respect of rehousing residents in old districts, the policy of the Housing Department on rehousing residents affected by clearance operations is wrong. How is the policy wrong? If we are not people-oriented, that is, if we are not oriented towards residents, when we resume land, we do not consider first of all whether or not they live there and whether or not there is no choice but to drive them away. Moreover, if we want to drive them away, is there any policy that would enable them to be resettled contentedly? In respect of *in situ* rehousing in rural areas, we only have to look at the case of Choi Yuen Tsuen to see that this policy is a total failure. The Government told the people concerned to leave and give them money to buy land on their own but as regards whether or not they can build a new village after buying land and whether or not the access road is unobstructed, the Government does not care at all. What kind of service is this and how is this people-oriented?

Chairman, you used to be a Member representing Kowloon West, so you ought to know that Sham Shui Po is a disastrous zone. The Government drives residents out at will and social workers ... or rather, staff members of the Housing Department would urge residents to leave instead of striving for their interests, buddies, let alone Pei Ho Street and Kweilin Street, which are hard-hit areas. Therefore, I believe that if the Government really wants to deal with this problem, including the demand-led issue mentioned by the Urban Renewal Authority yesterday. It said that it would not do anything more about the housing problem in old districts after losing money. Did the Government deal with it? It did not, Chairman. What is the difference between the roof-top huts in old districts in Hong Kong and the two-storey unauthorized building works on top of houses in the New Territories? Now, you want to demolish other people's homes. However, with regard to people whose roof-top huts in old districts have been demolished, you have never talked about how they would be rehoused. What kind of policy is this?

Therefore, Chairman, if you give \$500,000 to someone who would be asked questions when attending Legislative Council meetings ... Chairman, to be fair and to speak according to my conscience, I have never met that Commissioner, nor has anyone ever asked him any question. We spend \$500,000 to hire someone and the office under his charge has to manage a lot of people. Has he ever submitted his proposals to the Legislative Council and what actually are the goals of their research? No, he has not, buddy. If I allocate \$500,000 to him in this way, is this not tantamount to throwing money into the sea? Therefore, I will not provide the funding to him. Therefore, in my opinion, we should not give him any money and that will be the end of this matter. Next, I want to talk about another issue related to the Development Bureau, which is about planning.

I want to deduct the emolument for the Secretary for Development and the funding for his office, as well as the annual estimated expenditure for the emoluments of the committee members of the Planning and Lands Branch of the Development Bureau, as found in Amendment Nos 626 and 627. Why do I say so? When the Development Bureau carries out any work or carries out planning on land, a Permanent Secretary is included in the Town Planning Board (TPB). If this Permanent Secretary has not discharged his duties duly, let it be. But the problem is that if there are blunders in the planning carried out by the Development Bureau when the master plan for an entire district has been finalized by him, how can the department under his charge perform their duties? For example, if I want to deduct the emoluments of the lower-ranking officials in the Development Bureau, how can he do his work? Therefore, the accountability rests with the Permanent Secretary. Did he discharge his duties duly when he represented the Development Bureau in the TPB? If he did not, that is tantamount to "making mistakes right in the beginning" and something wrong is put down. Are we supposed to erase it with an eraser? That is ink, buddy.

My argument is that in fact, the Permanent Secretary subordinate to the Secretary for Development is actually in charge of the planning vital to Hong Kong. If you did not do anything in that regard and you brought about the situation of having to look for land for the provision of housing, you had make mistakes in planning right at the beginning. However, when we want to rectify it now, neither the Secretary for Development, the Under Secretary nor the officials under their charge have ever told this Council the proportion of vacant

land in Green Belts included in planning and the proportion of public housing to private housing. Without such information on proportions, it is impossible for us to monitor them. Therefore, I believe that if he does not make a military pledge, I cannot slay him, so I will not give him the money.

One has to monitor him, just like us playing football. If you have not scored in three matches, you have to score in the fourth. However, he does not have to because the Permanent Secretary does not have to follow any planning vision when formulating the Outline Zoning Plan. Therefore, on this point, we believe that the whole planning process has given rise to some very blurry land use — I have talked about this point just now, so I am not going to talk about this any more — so that in the end, property developers can hoard land, and he has to bear ultimate responsibility. Therefore, I believe that the Secretary for Development, officials of his Office and even the Under Secretary should not be given any pay.

Thank you, Chairman.

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

MR ALBERT CHAN (in Cantonese): Chairman, we can clearly see how lazy Members inside this Chamber are after you have imposed a limit on the debating period. If the Chairman does not exert pressure on them, they will be lazier. Chairman, thanks to your tolerance, this Chamber is almost empty. How pathetic it is! Chairman, some Members do not even show up at meetings even though they receive \$80,000 a month, but some members of the public have to work overnight for \$8,000 only.

CHAIRMAN (in Cantonese): I heard some Members say they find it more meaningful to serve the public outside this Chamber than listening to Members' speeches here. Perhaps their comments make some sense.

MR ALBERT CHAN (in Cantonese): Chairman, one of the duties of Legislative Council Members is to attend meetings. 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 Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, one of the duties of Legislative Council Members is to attend meetings. This is their primary duty, just like students having to go to school.

Since the issues involving Secretary Anthony CHEUNG and the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) have already been mentioned by Members, I will not repeat them here. I agree with the criticism made by Members against him. Nevertheless, I still wish to raise a point concerning the slip made in connection with the appointment of Prof LEE Chack-fan, a former Pro-Vice-Chancellor of the University of Hong Kong, as Chairman of an independent investigation panel. I must point out the absurdity of this mistake. In the past, integrity checking had to be made to ascertain the presence of any conflicts of interest before such appointments were made. It is really surprising that he could have made such a mistake in accomplishing these most basic tasks. Obviously, this incident demonstrates his sloppy attitude in accomplishing his tasks and his lack of commonsense. I do not know whether or not his colleagues have reminded him. In the past, the Permanent Secretaries or Political Assistants concerned should have reminded him over such issues. I wonder if their reminders have fallen on deaf ears. Actually, a thorough inquiry should be conducted into the entire process through a public hearing.

According to my past experience, it is impossible for experienced civil servants not to obtain a full picture of such issues and complaints. Chairman, just now, I have already pointed out that Members are duty-bound to attend meetings. The Chamber is almost empty again. Just now, there were only three Members. It seems that less than 10 Members in total are present now. Chairman, a headcount please.

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 Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, actually, the Secretary for Transport and Housing should not be the only one held accountable for the slip made in connection with the appointment of Prof LEE Chack-fan because the problem was eventually found by the media. As everyone knows, the Under Secretary for Transport and Housing used to work in the media. A clear account and explanation should be given to the operational responsibility held by the Secretary, Under Secretary, Permanent Secretaries or other relevant officials. Is the entire Policy Bureau in a terrible mess in handling this issue without anyone taking charge of and following up some basic steps?

Recently, Anthony CHEUNG has been criticized and condemned by the public over the handling of a marine disaster. Although Members may say that the disaster was attributed to the former dynasty, the investigation of the disaster and the arrangements for the announcement of the report are heartrending. First of all, the report has taken such a long time to complete. Moreover, the officers concerned were investigated by their peers, and only government departments were involved in the investigation. Furthermore, the report has not been made public for reference by family members of the victims, which makes it even more unacceptable. People simply cannot help criticizing the Secretary for being cold-blooded, involving in cronyism and condoning his subordinates. Although it has been more than a year since the disaster took place, no one, especially those at senior management level, has been held accountable for it.

Meanwhile, some monuments had been found during the construction of the Shatin to Central Link by the MTR Corporation Limited, but the construction works were resumed within a very short period of time. In view of the delay already experienced by the XRL, some people think that the reason for the immediate resumption of the construction works is to prevent the occurrence of

any problems that may cause further delays. However, the monument found this time around dates back to the Song Dynasty. It can be described as the most important and best preserved monument found in Hong Kong over the years. Moreover, such a large monument is rarely found. Although the extent of damage is not yet known for the time being, it is rumored that the construction works have already resumed and many ancient wells have been destroyed completely. In this regard, the matter will definitely be pursued in future.

In respect of the supply of housing, it has been pointed out in a report that the pledge of three-year waiting time for public rental housing allocation is simply a lie. Actually, in this connection, many parties, including me, already pointed out years ago that housing supply had begun falling significantly since 2007, from 50 000 public rental housing (PRH) and Home Ownership Scheme flats during the peak period to only 7 000 PRH flats. At that time, it was already predicted that there would be a short supply of housing and the pledge of three-year waiting time for public rental housing allocation could never be honoured.

When he took office, this Secretary was already asked this question many times in this Council but he still insisted that the pledge of three-year waiting time for public rental housing allocation could be fulfilled. Actually, it was just another lie, like the ones he told about the Shatin to Central Link and the XRL. When he said that the Shatin to Central Link would experience no delay, he actually knew that it would be delayed but chose not to report it. Before he took office, he basically knew that the pledge could not be honoured because the Waiting List was facing the most acute and terrible situation in decades.

In a number of cases I handled recently, some members of the public are not allocated public rental housing again after they were allocated public rental housing once or twice two years ago. Generally speaking, their registration with the Waiting List has already been processed. However, after they were allocated public rental housing once or twice, no more arrangements are made even though they have waited for another year or two. This phenomenon was rarely seen in the past two or three decades. Now, it has become habitual and prevalent. This problem is currently found in several districts, including Tsuen Wan, Kwai Chung, and even New Territories East, too. Although the situation in Kowloon is slightly better, the terrible situation in extended urban areas is unprecedented. Furthermore, we cannot see any contingency measures put in place by the

Secretary. Some time ago, I discussed the relevant problems with the new Director of Housing. It seemed that he was also considering the new methods to be adopted. Actually, these problems should have been addressed and considered by the Secretary immediately after he took office. I only hope that the new Director can make some fine-tuning after taking office.

Regarding the issue of Lantau buses mentioned by Mr LEUNG Yiu-chung just now, I have to declare interests because I am a frequent commuter of these buses, and so I am a victim, too. Some time ago, I was unable to board the bus after two attempts in a row. Eventually, I had to write to Matthew WONG expressing strong condemnation. Many members of the public are late for work because they are unable to board the buses. Apart from buses, the problem with taxis is even worse, for the entire South Lantau is served by 55 taxis only. Furthermore, this situation has remained unchanged for decades. Despite the more than 10-fold increase in the population and visitor volume, the number of taxis in the area has remained unchanged. Therefore, I have recently written to the Transport Department to make five recommendations, including introducing green minibuses, issuing additional taxi licences, providing additional parking spaces, and so on, in the hope of ameliorating the problem.

The present ferry fare is also alarming, for a single trip on weekdays and Sundays costs more than \$29 and more than \$40 respectively. However, the Secretary is still turning a deaf ear to the problems caused by transport services, including livelihood pressure, the hardships faced by wage earners due to inadequate transport services, and so on. I have never heard the Secretary ... he will not go to South Lantau, Tai O or Mui Wo to inspect the problems probably because he does not have interest there. Just now, I already quoted the Consul General of the United States and the distribution of lunch boxes by "Brother Ming" as examples. However, the only purpose of these Directors of Bureaux fighting for their posts is to gain benefits. Other foreign envoys who are appointed to certain diplomatic posts would want to perform their duties properly. These Directors of Bureaux would not participate in the relevant work if they cannot gain benefits from it. The former Commissioner of the Independent Commission Against Corruption is a typical example. He had invited Mainland high-ranking officials for meals to build relationships because he wished to be a member of the Chinese People's Political Consultative Conference. The entire governing structure is also like this. Chairman, if you have the opportunity, you should really exercise your influence to rectify the bad habits of bureaucrats.

However, even some members of the political party you previously joined behave in the same manner. Hence, the problem of the deteriorating political climate is really extremely acute. Although the Mainland is now staging "anti-corruption" campaigns, the corruption problem in Hong Kong is deteriorating. I wonder what the Communist Party will do to deal with Hong Kong's corruption problem. Perhaps the Central Commission for Discipline Inspection will come to Hong Kong to conduct an inquiry ...

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

MR ALBERT CHAN (in Cantonese): They are related, Chairman. I have only strayed away from the question slightly, not completely. Nevertheless, I think that you know this problem very well. Honestly, you know it better than I do.

Let me come back to the problem of how housing demands can be resolved. It can be predicted that the problem of having to wait for a long time before being allocated public housing will deteriorate in the next three or five years. Some time ago, I asked the new Director of Housing to consider following the example of the temporary housing, which took place more than a decade ago, to build some temporary housing of several storeys, like the three- or four-storey temporary offices built at the construction sites when the Chek Lap Kok Airport was built. In fact, during the outbreak of SARS, it took only two weeks for temporary housing to be built on the Mainland. Therefore, temporary housing can also be built in Hong Kong to provide urgent housing supply in order to resolve the housing problem. Currently, a large quantity of land is available. If the People's Liberation Army can hand over some land for the construction of housing, its image will definitely be greatly improved immediately.

As for the Audit Commission's report, I will not read it out again because Members should know very well that the problem of housing supply must be addressed. That said, I still wish to say a few words about the traffic congestion problem. Chairman, CHEUNG Chi-kong was recently condemned by people all over the territory for talking nonsense. The transport problem caused by the Individual Visit Scheme (IVS) must be faced squarely. If the number of IVS visitors is not reduced, the Government must explore other solutions to resolve the problem. As an accountable Director of Bureau in charge of transport

matters, the Secretary cannot let other Policy Bureaux to take charge of certain developments, thereby causing the transport problem to deteriorate continuously. Nevertheless, I have not seen the Secretary speak on the transport and traffic problems. It is even harder than reaching the sky for Hong Kong people to rely on such Directors of Bureaux to find ways to make certain improvements. Hence, I urge him to resign expeditiously to shoulder the political responsibility, like the resignation of Antony LEUNG years ago, who has an even brighter future afterwards. With the passage of several years, he is now hotly tipped as a Chief Executive candidate, albeit his denial. This is politics. People will consider him trustworthy if he demonstrates courage, integrity and commitment. On the contrary, should he refuse to step down and get himself entangled in the scandal, his popularity rating will only continue to fall.

Chairman, I still wish to make one more point. Just now, several Members, including "Long Hair", mentioned cutting the estimated expenditure in other areas, that is, the expenditure incurred by the Development Bureau on land and planning, which is actually related to land resumption and development. I support these amendments, such as Amendment No 618, which seeks to reduce \$87,888,000, a sum roughly equivalent to the estimated annual expenditure on payroll cost under personal emoluments for the Planning and Lands Branch of the Development Bureau. Furthermore, Amendment No 110 proposes reducing approximately 29,618,000, which is equivalent to the payroll cost of 40 posts. As for Amendment No 181 ... I will leave it until later because the Environment Bureau is involved.

Quite a number of these amendments are related to the creation of additional posts in a number of government departments or land resumption, and some involve the Lands Department. For instance, Amendment No 458 proposes reducing \$36,113,000, whereas Amendment No 559 ... when there is something wrong with the planning undertaken by Policy Bureaux, we will support reducing or abolishing the related expenditure incurred by their executive arms. The reason is very simple. For instance, if I disapprove of using certain sites to build flats or allocating Kwu Tung to the Cheung Kong (Holdings) Limited, there is no reason for me to allocate funds to the authorities concerned to deploy officers to undertake land resumption, inspection, or other planning or administrative work there. This is because the starting point and the planning itself are wrong — I consider it a wrong planning decision — we will naturally object to the relevant expenditure subsequently incurred by many departments and Policy Bureaux. For these reasons, we hope that other departments,

especially civil servants, can understand that our proposed reductions are not targeted at land resumption, which is their duty. We must thwart or oppose the relevant funding arrangements by all means because these land resumption efforts stem from planning mistakes.

MR LEUNG YIU-CHUNG (in Cantonese): Chairman, I will speak on the Amendment No 993 proposed by Mr Albert CHAN, which reads, "Resolved that head 158 be reduced by \$3,380,000 in respect of subhead 000 (roughly equivalent to the estimated expenditure on the annual emoluments for the post of Secretary for Transport and Housing)".

Chairman, just now, I mentioned several areas under the Secretary for Transport and Housing, including buses, ferries, public light buses, rationalization of buses, Light Rail Transit, and so on. In fact, the relevant policies monitored by the Secretary for Transport and Housing should be included, too. I did not mention the Secretary in my speech just now because it was targeted at the Director. Now, I will talk about the Secretary. He is responsible for monitoring all the issues I mentioned just now. Nevertheless, I am not going to repeat these issues. Instead, I would like to talk about issues concerning housing and transport, because the Secretary is responsible for housing matters as well.

Let me begin with the housing problem. According to the Government's proposed Long Term Housing Strategy, 470 000 housing units have to be built in the next decade before the needs of the population can be met. We can hardly question whether or not this figure is correct but, as I pointed out just now, the keen demand for housing is the result of the inaction of the previous term of the Government, particularly Eva CHENG and Donald TSANG. Although we cannot request the Government of this term, particularly LEUNG Chun-ying or Secretary Anthony CHEUNG, to assume full responsibility, they are still responsible for dealing with this problem. Although it has been two years since they took office, this problem has yet to be resolved satisfactorily. Furthermore, as I commented just now, the pressure exerted by them on such government departments as the Planning Department and the Lands Department has caused these departments to scramble for land blindly and squeezing in residential blocks on every piece of available sites, for the sake of resolving the housing problem. As I pointed out just now, this approach will only lead to problems in the community in future.

In fact, the Director of Audit once put forward a proposal on resolving the problem of inadequate housing units, but unfortunately, it was not taken on board by the Secretary. This is why I think that the Secretary is irresponsible and incompetent. The Director of Audit once said that redeveloping the existing old housing estates can provide a large number of housing units and resolve the problem of inadequate housing. As we all know, the plot ratios of many old housing estates have not been fully utilized. If redevelopment can be carried out, the plot ratios can be fully utilized, thereby increasing the number of residential units. Although the Secretary said when announcing the Long Term Housing Strategy that 22 housing estates in Hong Kong had to be redeveloped, the Director of Housing said in response to my enquiry that there was no redevelopment plan. Such being the case, why did the Secretary say that 22 housing estates in Hong Kong had to be redeveloped? Even the officers of the Housing Department (HD) are baffled, saying they have no idea why the Secretary would have made such a remark, but there is nothing they can do. Chairman, we cannot just let them go if they say that nothing can be done, because they have to be held accountable. The Director of Audit has already said publicly that the supply of housing units can be increased through redevelopment of old housing estates. Why did the Secretary not take on board such a good idea? It has been a long time since the announcement of the Long Term Housing Strategy. We have time and again asked government departments if they have any redevelopment programmes, but the answer we have got is that they do not.

In fact, Chairman, after reading the relevant report, the residents of many old housing estates are very eager to have their housing estates redeveloped expeditiously because redevelopment can improve their living environment. Chairman, the Kwai Shing East Estate, for instance, is nearly 50 years old. Although the HD has a comprehensive policy to carry out constant repairs and maintenance to the units in the Estate, there are problems with the actual building structure, such as spalling concrete, and problems will occur one after another. Not only has a considerable amount of money been spent, the frequent maintenance has also caused a lot of nuisance to the residents. What is more, the existing problem of housing demands cannot be resolved. Redevelopment is a good direction. There is no need for squeezing in residential blocks on every piece of available sites or scrambling for land blindly and frantically. Why did the Government not adopt such a good strategy? I really do not understand. This is why I think that the Secretary is irresponsible and incompetent in this regard.

It has been recently reported in newspapers that Members from the Hong Kong Federation of Trade Unions have time and again protested against the sale of five shopping arcades in housing estates by the Link REIT. Chairman, those shopping arcades were originally government properties. Thanks to the Government's wrong decision to sell these properties at cut-price rates, the Link REIT can now make a lot of money. Despite our criticisms that the Government's decision was wrong and our request for a buy-back of the properties, the Government has been adopting a delaying tactic without formulating any policy to deal with the matter. Even though these shopping arcades are now offered by the Link REIT for sale by tender, the Government is still turning a blind eye to it without taking any action. Since the Link REIT is the owner and has ownership, the HD must seek its consent before making any alterations to the housing estates. This means that no construction works can be carried out without the consent of the Link REIT. In fact, many housing estates need to carry out repairs and maintenance or refurbishment, but the Link REIT does not give consent because it will have to pay for such works. Despite receiving constant complaints from the residents, the HD responds that it is the Link REIT, not the HD, which does not wish to carry out the works. What can be done? Nothing can be done. Not only has the Government failed to buy back the shopping arcades, it has even condoned the Link REIT to sell the properties, which will lead to fragmented ownership. When other people obtain the ownership of these properties, they will surely ignore the HD. At present, the Link REIT still takes a little social responsibility and pays a little heed to the comments of the HD and the society. Once the ownership is diversified, other owners will pay even less heed to comments and there is no hope for environmental improvement in public housing estates. Chairman, do you agree that the Secretary is irresponsible and incompetent? He does not do anything about this matter even though he has the opportunity to do so. Chairman, this is a very serious mistake.

Besides the redevelopment of housing and the Link REIT, I still wish to say a few words about transport problems. While I will not repeat the problems I discussed just now, I wish to talk about the one faced by the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). The Government has remained tight-lipped although it learnt about the delay of the XRL project a long time ago. When the Secretary was questioned by the media why he kept silent, he responded by using such an absurd expression as "showing mercy despite doubts". I really have no idea what he meant by that. Why should he show mercy? Was it because he did not wish to penalize those people responsible for the delay and so the requirements were relaxed with a view to

shielding these people? I really do not understand why he has to "show mercy despite doubts". As Members are aware, not only has the blunder affected the progress of the project, the construction cost is also spiraling as a result. Now it is estimated that a cost overrun of \$3.4 billion will be incurred. But it is only the current estimate; what will happen in the future is not yet known.

The Secretary is very clever indeed in saying that the MTR Corporation Limited (MTRCL) should bear the cost overrun and the Government will not shoulder any responsibility. Chairman, the remark made by the Secretary that the Government will not shoulder any responsibility sounds very appealing, but how will the MTRCL bear the cost? Will the shareholders be asked to pay? Certainly not. Such being the case, who will bear the cost? As the saying goes, without a sheep, there can be no wool. The cost will definitely be borne by MTR commuters. The MTRCL has already announced fare increases in June. Thanks to the fare adjustment mechanism, which allows for increase and decrease in transport fares, the MTRCL can increase its fares whether it makes a profit or incur a loss. Since the implementation of this mechanism, fares have only be raised rather than lowered, and members of the public are treated as fools. As this mechanism only takes into account inflation rates with no regard to the people's living standard, fares will definitely be increased. As the chance of deflation is so slim that it might only occur after an unknown number of years, the chance of fare decreases is almost zero. Where will the money generated from the constant fare increases go? The present cost overrun of more than \$3 billion will be borne by this sum of money, not by shareholders. Not only are fare increases unnecessary, the mechanism is also problematic. Although this mechanism was put in place by the former Secretary, Eva CHENG, it should be dealt with by the Secretary of the current term. However, instead of doing something about it, he has allowed this mechanism to remain. Meanwhile, he has not paid any attention to the overspending of the XRL project, and the matter is left to be resolved by the MTRCL on its own. What will the MTRCL do? The only solution is to treat members of the public as fools. Is this a serious problem?

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

It is amazing that the Secretary could have stated openly that he was not at fault and he would not step down unless the independent expert panel held him accountable. Everyone knows that the panel will definitely not say that there is

something wrong with him. It will only blame the delay on the poor delivery of the XRL project and inadequate monitoring of outsourcing, and so on. How will the panel say that the Secretary is at fault? The Secretary can justify himself because he knows it very well that he will not be held accountable and no one will accuse him. He has even openly declared that he will bear responsibility if the panel identifies any problems, big or small, for which he has to be accountable. Deputy Chairman, these are fine words. How could he not have uttered these fine words when he knows very well that he needs not be held accountable?

He simply has not really faced the problem squarely. He kept his mouth shut even though he knew a long time ago that the project was delayed. But still, the project was left to experience continuous delays. It was not until the delay was exposed that he said he would face and deal with the problem. It is amazing that he could have said that he was shocked by the delay. It is hard to believe that the Secretary's acting was so real. Even he himself has admitted that he chose to "show mercy despite doubts" although he knew about the delay a long time ago. What does it mean? It means that he ignored the delay and left the MTRCL to muddle through. Can our society accept such a Director of Bureau? Can the Legislative Council accept such a Director of Bureau who goes about things in this manner? It is amazing that someone has kept defending him, saying he is a very responsible person and has done nothing wrong. For us, this person is condoning him rather than facing the actual problem.

Hence, I consider it worthwhile for colleagues to support this amendment proposed by Mr Albert CHAN today to cut the Secretary's emoluments. Otherwise, he will continue to ignore the problem. What responsibility does he have to bear? He is accountable to the Chief Executive, not the public. No matter how we criticize him, he will keep on paying no attention. Everything will be fine so long as the Chief Executive defends him. Certainly, the Chief Executive will defend him. How will the Chief Executive accuse the officials appointed by him of being at fault? This will eventually lead to cronyism. If this Council keeps silent and refrains from expressing its views and criticizing him, Members will have failed to discharge our duties as Legislative Council Members, and this Council will have to discharge its duties as a parliamentary assembly. For these reasons, I support this amendment.

Deputy Chairman, I so submit.

MISS ALICE MAK (in Cantonese): Deputy Chairman, just now, Mr LEUNG Yiu-chung said that we must discharge our duties as Legislative Council Members. He should also discharge his duties as a Member and clarify the information before giving a speech. In his speech just now, he should have said that Kwai Shing West Estate has a history of nearly 40 years since it was built 39 years ago. He should have requested the Government to carry out redevelopment to Kwai Shing West Estate rather than Kwai Shing East Estate.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy Chairman, I have to make a correction. It was a slip of the tongue.

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, I will now speak on Amendment Nos 618 to 659, which are related to the Planning and Lands Branch of the Development Bureau. Why do I have to cut its expenditure? Let me tell Members the answer, which is very simple.

First of all, "Hong Kong property for Hong Kong people" is a so-called important idea of the administration by LEUNG Chun-ying. What is the objective of "Hong Kong property for Hong Kong people"? Its general idea is that housing can be built on land in Hong Kong for Hong Kong people. Nevertheless, this idea has completely collapsed. Members can see that, starting from 2012, many China-affiliated organizations have been purchasing land in Hong Kong. Hence, it is impossible for the problem to be resolved unless we pinpoint the hoarding of land or construction of luxury properties by consortia, regardless of whether or not they belong to Hong Kong people. Hence, insofar as the policy of "Hong Kong property for Hong Kong people" or the implementation of this policy is concerned, we can see that the objective cannot be met at present.

Let us look at the so-called "Hong Kong property for Hong Kong people" advocated by LEUNG Chun-ying in his election manifesto. The fact that the prices per square foot of the two sites put up for sale in the first auction have been spiraling has demonstrated that his policy objective cannot be achieved. Like "doubly non-permanent residents" and "powdered formula restriction order",

"Hong Kong property for Hong Kong people" is merely a sudden tactic introduced out of expediency. In fact, the only way to ensure the successful implementation of "Hong Kong property for Hong Kong people" is to impose restrictions on land use and the prices per square foot. So, the measure of "Hong Kong property for Hong Kong people" is doomed to fail. Therefore, insofar as this problem is concerned, the Planning and Lands Branch has taken a wrong step.

Second, if we say that the policy of Hong Kong people is wrong, it would mean that its objective is also wrong because it is difficult to define "Hong Kong people". People who have resided or operated enterprises in Hong Kong for seven years will become Hong Kong people.

So, let me look at the issue from another angle. What about Government land? I am aware that the Government, including Secretary Paul CHAN and a number of government officials, has been identifying sites all over the territory. The most well-known site is the one adjacent to the Hong Kong Baptist University (HKBU), which was originally earmarked for the construction of an academic building and is now considered to be used for the construction of residential buildings — certainly, let us for the time being not discuss whether the buildings to be constructed will be low- or high-density development because they will still be residential buildings. However, the Government has given up this idea in view of the HKBU's opposition. This means that the remarks made by Paul CHAN and a number of officials with a great fanfare that a site had been identified are no longer valid. Honestly, it is useless to identify a site because objection can be raised. According to the requirements of the Town Planning Board (TPB), the site was originally not earmarked for the construction of residential buildings. So, the Government will have to take the case to court with a view to revising the requirements of the TPB before the site can be used. Such being the case, what purpose does the policy of identifying sites under "Hong Kong property for Hong Kong people" serve?

However, Members can see that the Planning and Lands Branch under the Development Bureau has a particular vision. Let me cite a very simple example, which I think all Members should understand. LO Lin-shing, Chairman of the Mongolia Energy Corporation Limited Sai Wan Village, has purchased a number of land lots in Sai Wan Village for the development of gardens and villas. However, the Government has turned a blind eye to this illegal practice of exploiting legal loopholes to occupy Government land to build one's own

properties. On the contrary, the Government is prepared to change the land use approved by the TPB for small plots of land, such as green areas, on the ground that the housing problem has to be resolved.

Let me cite another simple example. There have all along been arguments surrounding East Kowloon, the place where I live, with regard to, for instance, the shelving of the construction of the so-called Sports City to make way for housing construction. In this regard, the Planning and Lands Branch has served no purpose at all. It is extremely biased in its policy implementation and it has had one eye only, which explains why it cannot see the occupation of land by influential people for the construction of villas. Meanwhile, it has made recommendations to or abided by the proposals put forward by its superiors on changing land use. As this is by no means an isolated case, I think that the Planning and Lands Branch has failed to accomplish its tasks.

There is one more point I would like to add. After taking office, LEUNG Chun-ying instructed the Planning Department to expedite a review of major industrial sites, sites used for temporary warehouse and derelict land in the North District and Yuen Long in the hope of releasing suitable land among the 257 hectares for housing development. Nevertheless, the Planning and Lands Branch has yet to accomplish this task. This was pointed out by LEUNG Chun-ying on 16 January 2013 during his delivery of the Policy Address. To be fair, the Chief Executive's words will be conveyed to Policy Bureaux, and then to Departments and Branches, which are at the frontline, but nothing has been accomplished by these Branches so far. What can be done? However, the Chief Executive has failed to satisfactorily perform what he should be able to accomplish. Furthermore, although some sites were originally easily obtainable, he has focused only on other sites although he is not certain whether he can possibly obtain them. For instance, in order to launch the Tung Chung New Town Extension on Lantau, incessant reclamation has to be carried out to acquire more land. Deputy Chairman, do you think it is good value for money for him to create land out of nothing despite the availability of land elsewhere?

I was not the only one who was criticized by John TSANG in his blog in connection with the budget debate today. It can be said that he has made some contributions by saying that "a six-pronged approach will be adopted to provide additional land for housing", clearly stating that land use will be changed with six methods proposed. In fact, we can see from the six-pronged approach that the ways to increase land supply are nothing but changing land use, redevelopment,

land resumption, reclamation outside the Victoria Harbour, cavern development, and reuse of former quarries, which have all achieved considerable results. However, I would like to point out that redevelopment is expected to encounter great resistance because the Planning and Lands Branch has not come up with a solution. According to a previous study conducted by me, cavern development is feasible, but reclamation outside the Victoria Harbour is controversial, and this explains why it is still under discussion. Regarding land resumption, as I pointed out just now, it is unfair. What about redevelopment? It will give rise to another problem concerning the rehousing of affected residents. However, the Planning and Lands Branch has been unable to formulate a comprehensive plan for different targets. For instance, more than 10 blocks in Pak Tin Estate are in need of redevelopment. In addition, the Planning and Lands Branch has not made any recommendations to the Government regarding the demolition of blocks one after another and the relocation of the residents to some of the buildings built beside the demolished one. Hence, the redevelopment of Pak Tin Estate is facing a lot of obstacles.

As regards the squatters residing on Government land, there used to be so-called squatter areas. However, as everyone knows, these areas have now turned into buildings. In present-day Hong Kong, since the Planning and Lands Branch has failed to come up with any places for exchange, squatters have developed a resistant sentiment for fear of being relocated to interim housing. As a result, resumption has become impossible. Deputy Chairman, these methods are absolutely inappropriate.

Next, I would like to say a few words about a funding application made by the Government for the study on the construction of an artificial island. As this issue has been discussed by the relevant Panels, I will not analyse it in detail here again. The crux of this issue is that if we are really determined to identify sites for housing construction, we must not earmark those situated beside the airport. It is because doing so will only turn the sites surrounding the airport into economic development sites rather than residential sites. Insofar as this point is concerned, the whole matter is unclear. In the relevant Panels, many Members, including pro-establishment Members, have put questions to the Secretary, saying that the North East New Territories has the residential land ratio and the construction ratio of public and private housing, so to speak, but why did he not explain all this earlier? Lastly, I would like to come back to the problem concerning the proposed construction of public housing on every single site.

I have to mention this problem because it occurs in my constituency. There are two housing estates in my constituency, namely the Lek Yuen Estate in Sha Tin and the Tai Yuen Estate in Tai Po. Actually, I have to say with a clear conscience that these two old housing estates should be torn down for redevelopment. However, he has even proposed squeezing in one more block in these old housing estates. Deputy Chairman, insofar as the town planning standard is concerned, the standard of old housing estates is very low, which means that no attention has been paid to ventilation or lighting. How could he have proposed squeezing in one more block! Will the residents living in these housing estates raise objection? We cannot possibly force the residents who were originally enjoying a peaceful and stable life to put up with a crowded and unstable living environment because of the Government's failure to identify land.

Insofar as this point is concerned, the Planning and Lands Branch should have informed the Secretary a long time ago, saying that the squeezing in of residential blocks is infeasible. Consolidating the various factors mentioned above, it is evident that the Planning and Lands Branch has failed to fulfil its responsibility in implementing the specific policies, including "Hong Kong property for Hong Kong people" and the provision of additional land for housing development. Therefore, according to the amendments mentioned earlier, I will propose cutting the expenditure, emoluments and the wage subsidy for civil servants. Thank you, Deputy Chairman.

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I will continue to speak on Amendment No 630 proposed by Mr Albert CHAN under "Head 138 — Government Secretariat: Development Bureau (Planning and Lands Branch)". The amendment involves the deduction of the annual estimated expenditure for the salary of the post of the Secretary for Development. The annual salary of Paul CHAN is \$3.38 million. As I pointed out in my previous speech, Paul CHAN has committed the crime of throwing money down the drain because the policy on Dongjiang water is fossilized. He has wasted public coffers in blindly purchasing Dongjiang water and he has even attempted to increase the water charges to wield the axe at the grassroots.

After the crime of throwing money down the drain, I would like to talk about his involvement in hoarding land. When it comes to his involvement in hoarding land, we certainly must talk about the North East New Territories

(NENT) development project. Why is it that the community and this Council have been making the utmost effort to stop the allocation of provisions for the advance works of the NENT development project? One of the reasons is that the entire project has not yet gone through the town planning procedure. In the Town Planning Board the ratio of opposition to supporting views is 1:99. Another reason is that Paul CHAN's involvement in the incidents of land hoarding in the areas concerned has still aroused public discontent. How can we trust a Director of Bureau whose integrity has seriously gone bankrupt and entrust the NENT development project to him, believing that he will balance the interests of various parties? The interests of various parties do not refer to the interests of the consortiums, but the interests of the public. The furore caused by Paul CHAN's involvement in land hoarding in NENT has given him the nickname of "land-hoarding Paul", and these incidents happened not a long time ago. In July 2013, the media continuously carried reports on Paul CHAN's ownership of farmland in the development areas covered by the NENT project, which means that he may benefit from the compensation to be made by the Government for resuming land and conflicts of interest are suspected on his part. Whether or not he will really receive compensation remains to be seen, but Paul CHAN's explanation has failed to convince all sectors of the community. As a result, he was caught in a fresh integrity crisis for hoarding land after he became notorious for his involvement in sub-divided units shortly after he took office in 2012, unleashing another political storm for this SAR Government of LEUNG Chun-ying.

At that time, the media revealed that Paul CHAN's family had hoarded 18 000 ft of farmland in the development areas and suspected that they would benefit from the over \$10 million of compensation. In his reply Paul CHAN pointed out that the land was owned by Statement Industries Limited, a company of his wife, Frieda HUI's family. He said that the land was purchased in 1994 for entertainment. He said that he was the one who signed the provisional sale and purchase agreement on the three plots of farmland in 1994 and pointed out that he had made a declaration to the Executive Council. But we really must be careful about what we say. In answering enquires from the press, Mrs Regina IP, a Member of the Executive Council, said that she did not know anything about the farmland. I think Members still recall that a villager of Shek Tsai Leng village in Kwu Tung produced a rent receipt signed by Paul CHAN. The villager said that Paul CHAN claimed to be the land owner in 1996 and did not mention that the land owner was his wife. The villager paid a nominal rent of \$60 a year and has never seen his family carrying out any entertainment activities

on the plots. The Secretary for Development, Paul CHAN, then said that he did not remember it and that he did not know if he said that he was the owner. Subsequently, a report was lodged with the Independent Commission Against Corruption but the case has, of course, disappeared into obscurity and we do not know anything about the progress of investigation.

A former Member of the Legislative Council said to the effect that apart from striving to be free from any real conflict of interest, Members should try, as far as possible, to avoid conflict of interest perceived and suspected by the public. He went on to say that this was why he had been reminding himself that he had to be "whiter than white". This former Member of the Legislative Council is the former Member representing the Accountancy sector, Paul CHAN, who is the incumbent Secretary for Development. After the land hoarding incidents, some people have taken out this article that he published in the newspaper on 10 July 2012. The paragraph that I have just read out shows how righteous he was and he even said that he must be "whiter than white". But it is proven that the performance of this "land-hoarding Paul" is "blacker than black".

In the circumstances back then, the Chief Executive should, at the first opportunity, draw a clear line between Paul CHAN and himself, telling Paul CHAN to leave in order to stop the loss. But LEUNG Chun-ying did not tell Paul CHAN to step down. It is difficult for him to find a senior official whose popularity is even lower than his and so, Paul CHAN is like a treasure to him. Scandals about LEUNG Chun-ying's administration have unfolded one after another when the conditions are ripe, and whenever an official or a Member of the Executive Council is in trouble, LEUNG Chun-ying can actually have more breathing space. This is the absurdity of our SAR Government. For how much longer can Hong Kong people tolerate this? A television station conducted an opinion poll at that time and the results showed that 90% of the interviewees considered it inappropriate for Paul CHAN to continue to hold the office of the Secretary for Development. The percentage is an all-time high and I would say that it is the wish of all the people to see him go. LEUNG Chun-ying made some remarks yesterday, appealing to Hong Kong people to jointly call on the filibustering Members to stop the filibuster. Hong Kong people do not need LEUNG Chun-ying's appeal to call for the stepping down of Paul CHAN, and does LEUNG Chun-ying hear it? If he truly values public opinions so much, why did he not tell Paul CHAN to step down?

I remember that a Member proposed a motion at that time, urging Paul CHAN to make public all the records relating to the transfer of titles and his role as a shareholder. Paul CHAN was unwilling to tell us the amount of the land transaction on the ground of respecting his wife's privacy, and he only said that it was in line with the market prices. I am a clever man too, as I then put a question to him the other way round. I asked him if he was unwilling to make public the actual amount, could he tell us how the deal was made? Was it made by way of cash or cheque? I said if it was made by way of cheque, which bank was involved and did any lawyer and accountant take part in the process? What the public wish most to find out is whether the farmland was really sold. But regrettably, Paul CHAN's answer was ambiguous and he only replied that money was received, that the tax return was filed and that stamp duty was paid, and this showed that the more he tried to hide his misdeed, he only made it more conspicuous. The land hoarding incidents are already a good reason to call on him to step down and these incidents are already a good reason for us to support Amendment No 630 to reduce the annual expenditure for his salary. Certainly, the crimes committed by Paul CHAN are too numerous to mention, and I think I cannot mention all of them even if I keep on speaking till 11 pm tonight.

His another crime, which is also supported by irrefutable evidence, is that he intended to take the opportunity to plunder the country parks of Hong Kong people. The Secretary of Department known for being a blogger is John TSANG, while the Director of Bureau known for the same is Paul CHAN. Paul CHAN, nicknamed "keyboard Paul", was brave and daring when he first took office and published articles in his blog most often. In September last year, Secretary Paul CHAN, the blogger, once again employed hypocritical rhetoric, saying that someone mentioned that country parks take up over 70% of land in Hong Kong. He was immediately said to be misleading the public in citing this figure because country parks actually take up about 40% of land in Hong Kong, not 70% as Paul CHAN said in his blog. The next day Paul CHAN came forth to clarify that he cited the wrong figure. His crime is that he, being the Secretary for Development in charge of all land in Hong Kong, was confused even with such simple concept, and he is exactly the loser of all losers. Not even Members of this Council will say that it is 70% but he outrageously said that it was 70%. This is why some people call him "moronic Paul". This is not his biggest crime though. What is his biggest crime? In fact, this might be a Freudian slip on his part. In his mind, it makes no difference whether country parks take up 70% or 40% of land. He thinks that country parks should be used for development no matter whether there is the protection of the Country Parks

Ordinance. To him, development means constructing buildings. He said that this figure was mentioned by someone, and I think the chance is 50% for "someone" to mean Paul CHAN himself and the other 50%, of course, should mean LEUNG Chun-ying. That said, the two of them are as alike as two peas in a pod. So this is "big mouth Paul".

In fact, this may also be a conspiracy of LEUNG Chun-ying as he was using Paul CHAN's last residual value — because at that time, no one could really tell whether or not he would step down — to test the water and see if the public would react strongly to the concept of using country parks for housing production. We know after looking up the records that LEUNG Chun-ying had already written articles before he became the Chief Executive, proposing that the country parks, which take up 40% of land in Hong Kong, should be used for developing housing units. He was then widely criticized and so, the proposal was shelved. When he put forward a strategy for land supply in the long, medium and short terms in his election platform when he ran in the election of the Chief Executive two years ago, LEUNG Chun-ying did not dare to propose the use of country parks for housing production. Former Secretary for Development Carrie LAM was even more reluctant to touch on this sensitive issue and so, this mission was passed onto Paul CHAN, who put forward this proposal in his blog to test the water. His purpose was to convince those people who believe what he said in his blog that of our country parks which take up 70% of land, it is fine to allocate 20% of them for housing development. His intention is to deliberately make the public accept a wrong message and think that there is plenty of land in Hong Kong. Then he can seize the opportunity to launch new development plans. This is obviously a plunder. This is why he is also nicknamed "land-snatching Paul".

In fact, the People Power put forward a host of proposals on land planning last year to remind the Government and Secretary Paul CHAN that we still have many choices. For instance, studies can be conducted on developing vacant military sites or golf courses, rather than targeting actions at NENT or country parks, which is misleading to the public. The use of land in country parks by this Government haphazardly without the people's mandate before carrying out a full consultation will definitely arouse strong public opposition. These actions will have a great impact on the future housing supply in Hong Kong, which will affect all Hong Kong people. This Government which does not have the people's mandate simply cannot do this.

I have explained the circumstances for Paul CHAN to be called "moronic Paul" and "big mouth Paul" and his notorious involvement in hoarding land, leasing sub-divided units and throwing money down the drain. Now I will talk about the incidents of snatching land blindly. The Government has blindly scrambled for land. A total of 152 green belts, open space and Government, Institution and Community (GIC) sites are going to be redeveloped for housing production, and the Government has even snatched those sites which are small in size. An Assistant Professor of the Department of Geography and Resource Management of The Chinese University of Hong Kong has criticized that the more that the Government has done to snatch land blindly, the less housing units will be produced. Why? His logic is that the developers do not know whether or not the Government will speed up its blind snatch-up of land and given uncertainties in the future of the market, the developers will bid land at low prices — if they bid land at high prices and since land supply may increase, the value of the land that they have successfully bid will be affected — thus resulting in unsuccessful tendering.

The rezoning of green belts by the Government has also pinched the nerves of flat owners in nearby housing estates. Today, the Green Sense and over 100 flat owners are staging a demonstration at the Government Secretariat. What the Government has done to snatch land for developing housing units will bring more losses than gains in the end. In tendering for land, developers will take into consideration the planning blueprint of the district as a whole. When the Government rashly made changes to the green belts and open space, developers will find it impossible to predict the supply of land and changes to the landscape of the district. When the Government snatches land blindly, the whole market, including the developers or owners, will not be able to predict the developments and they will not know whether the landscape and greening in the district will cease to exist tomorrow and this can have a bearing on property prices. From this we can see that Paul CHAN (or "land-snatching Paul") and the big boss behind him, namely, LEUNG Chun-ying, do not really know development.

The mentality of snatching land has even taken a toll on the education development in Hong Kong. Recently, the Education Bureau has decided not to build a private university at Queen's Hill in Fanling. While it is clear that there is vacant land in Hong Kong for developing universities to increase university places, the Government nevertheless used the most ridiculous excuse to explain why the land is not put to use. The reason for its decision not to proceed with the development of a private university at Queen's Hill in Fanling is that the rudimentary environment of the site is unsuitable for school development and a

large amount of money will be required to make improvement to the supporting transport facilities. This vacant site at Queen's Hill in Fanling is located adjacent to Liantang Boundary Control Point. Before the 1960s, it was the barrack of the British Army where a cavalry regiment stationed. The barrack site was returned to the Hong Kong Government in the 1990s and allocated for use by the Royal Hong Kong Police Force. It was used as government quarters, the office building of the police force, and the Police Dog Unit headquarter and Force Search Unit training school. The Queen's Hill barrack has been left vacant since the police moved out but it was used for film shooting from time to time. It is only in recent years that the site at Queen's Hill "resurrected" and is incorporated into the Application List as one of the largest sites on the Application List in history. It has since been designated for composite development and low density residential development, thus becoming a prime site in North district. But over the last two years the Government has made an about-turn (*The buzzer sounded*) ...

MR GARY FAN (in Cantonese): Deputy Chairman, I now speak on Amendment No 1192, which is related to "Hong Kong water for Hong Kong residents". I think this is very important and so, I would like other colleagues to come back to listen to me. Would the Deputy Chairman please do a headcount?

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 Gary FAN, please speak.

MR GARY FAN (in Cantonese): Deputy Chairman, I now speak on Amendment No 1192 proposed by me, which seeks to reduce the estimated expenditure for purchasing potable water for the first three months of 2015 of the Water Supplies Department (WSD) under head 194 in respect of subhead 223. Members may consider this trivial and they may ask why it is three months. Here, I will explain the reasons that the Neo Democrats and I have put forward.

Deputy Chairman, it has always been the case that the Hong Kong Special Administrative Region (SAR) is not self-reliant in water supply. The Government's estimated provision for purchasing Dongjiang water this year has even increased to \$3.96 billion, representing a substantial increase of \$1.43 billion or 57% over the expenditure of \$2.53 billion in 2010. If we factor in the increase in the exchange rate of the Renminbi, Deputy Chairman, the price of Dongjiang water has increased by 5% to 6% in almost each of the recent years. In spite of this, under the "package deal lump sum" agreement signed years ago, which is similar to a "buffet-style" charging approach, despite a frantic increase in the price of Dongjiang water, the ceiling of the volume of water to be purchased will remain to be 820 million cubic metres (mcm).

The price of Dongjiang water has kept on increasing but we cannot immediately stop purchasing Dongjiang water due to the agreement signed between Hong Kong and the Guangdong Provincial Government on the supply of Dongjiang water to Hong Kong. However, as the agreement will expire at the end of this year, that is, 2014, there is absolutely room for the SAR Government to negotiate with the Guangdong Provincial Government and request that the "package deal lump sum" agreement be revised to the effect that charges are paid according to the volume of water purchased. In other words, the "buffet-style" approach should be replaced by an accountable approach in that charges are calculated according to the volume of water purchased. This will be a good opportunity to formally introduce the "Hong Kong water for Hong Kong residents" policy and move towards the objective of self-reliance in water supply.

Deputy Chairman, the Budget has been criticized in many areas after it was released. The Neo Democrats have also sternly criticized this year's Budget. However, the Financial Secretary's Budget has mentioned that the Government will, in the coming days, set the target and time frame for the construction of seawater desalination facilities to achieve the objective of "Hong Kong water for Hong Kong residents" or provide water from local sources to cope with a certain percentage of water consumption, with a view to addressing the problem of water supply. This is an extremely small part of this year's Budget that I support.

Deputy Chairman, the "package deal lump sum" agreement has deprived Hong Kong of its autonomy in determining the volume of Dongjiang water to be purchased. Even in times of rainy seasons when the storage levels of reservoirs have risen as a result of an increase in rainfall, the SAR Government is still unable to reduce the volume of Dongjiang water to be purchased according to needs, which can otherwise reduce the price of billions of dollars that we have to

pay each year. On the contrary, the papers provided by the WSD in reply to the Legislative Council show that in 2013, the reservoir overflows (滿溢) — I had mispronounced "溢" (jat⁶) as "益" (jik¹) before and I was corrected by the President, Jasper TSANG — or the quantities of fresh water discharged into the sea due to overflow from reservoirs were over 40 million mcm which is worth \$246 million. Deputy Chairman, this is a huge sum of money, and this is exactly throwing money into the sea. Under the "package deal lump sum" agreement, the Government cannot reduce the volume of water purchased even if it has to throw the reservoir water into the sea. No doubt this has caused double losses to Hong Kong people.

Besides, Deputy Chairman, the price of Dongjiang water is actually not cheap at all. It is even unreasonably expensive. Let me cite an example in the international community — Singapore. Singapore also has to purchase water from its neighbouring country, Malaysia, every year. While Singapore and Malaysia are not necessarily on friendly terms, the purchase price is only HK\$0.017 (less than two cents) per mcm. In comparison, the cost of Dongjiang water is over \$4 per mcm. In other words, in purchasing Dongjiang water, Hong Kong is paying a price which is 200 times more expensive than the price paid by Singapore to Malaysia for purchasing water. Deputy Chairman, it is 200 times more expensive. It is more unreasonable that Shenzhen, which also purchases Dongjiang water, pays HK\$0.96 per mcm, whereas Dongguan pays only \$0.5 per mcm. Deputy Chairman, despite the same source of water and the same aqueducts, there can be a sea of difference in the prices, and all the other places pay far less than Hong Kong does, or their prices are a few times less expensive than ours. For this reason, the Neo Democrats have proposed that the estimated provision in the Budget for purchasing Dongjiang water be revised to the effect that the expenditure of the WSD for purchasing water for the first three months of 2015 be reduced by about \$720 million. We hope to take this opportunity to urge and force the SAR Government to propose the amendment of the "package deal lump sum" agreement to the Guangdong Provincial Government.

In fact, Deputy Chairman, the Pearl River Delta is often plagued by a shortage of water supply in recent years. In such coastal cities as Heyuan, Huizhou and Dongguan, their water consumption has increased significantly due to rapid economic development. The surge in the demand for Dongjiang water will further undermine the bargaining power of Hong Kong and by then, we will only find ourselves at the mercy of others as the Government is set to face greater difficulties if it wishes to amend the "package deal lump sum" agreement. For

this reason, the SAR Government should seize the opportunity of the expiry of the water supply agreement at the end of the year and expeditiously recover the autonomy in determining the volume of water to be purchased, so that Hong Kong people, including each and every of one of us here, will not have to keep paying high prices for water. Deputy Chairman, the Government is even suggesting the supply of electricity to Hong Kong by the Mainland now. This is really unimaginable. Does it mean that we Hong Kong people will be made to pay exorbitant prices for electricity in the future or many years down the line or in the not too distant future?

Deputy Chairman, unreasonable prices aside, the quality of Dongjiang water imported by Hong Kong also warrants attention of the Government. Since 2000 the pollution of Dongjiang water has aroused widespread concern among Hong Kong people. Although the Guangdong Provincial authorities have, over the past years, implemented a number of measures to improve the water quality, there have still been many reports on the pollution of Dongjiang water in recent years. *Apple Daily*, *Oriental Daily News*, *Ming Pao Daily News*, and *The Sun* have made such reports.

On 20 May 2010, Hong Kong reporters conducted a site inspection of the water pipes for supplying Dongjiang water to Hong Kong at Zhangmutou in Dongguan and found that the water pipes were near to landfills and the water quality was most unsatisfactory. Coupled with the authorities' plan to develop an incinerator in the vicinity, there is a chance for hazardous carcinogens to flow into the water pipes which will contaminate the water. Should that happen, Hong Kong people would be buying contaminated water at exorbitant prices.

On 18 December 2012, Hong Kong reporters visited Jiangxi to inspect the source of Dongjiang water. They found that the water was polluted by agricultural activities and that domestic waste and poultry waste all flowed into the Dongjiang directly. Moreover, poverty and backwardness in the region have made it impossible for the pollution problems left by the closure of quarries to be properly dealt with. This has led to very serious pollution of Dongjiang water at its source.

On 23 January 2013, Hong Kong reporters found that sewage containing chemical substances was illegally discharged into the Xinfeng Jiang reservoir of Dongjiang, resulting in a large number of cases involving deaths of fish stock and frogs. This was suspected to be the result of pollution caused by nearby quarries.

Deputy Chairman, we feel gravely concerned after reading and hearing these three reports that I have just recounted. The Mainland Government cannot perform at a reasonable standard in ensuring the quality of Dongjiang water supplied to Hong Kong while our SAR Government is all the more incapable of monitoring the quality of water supply effectively. Hong Kong people or Hong Kong citizens should not be made to spend huge sums of public money each year on purchasing goods with no quality assurance. Deputy Chairman, this is why I have proposed this amendment, hoping to force the Government to introduce the "Hong Kong water for Hong Kong residents" policy expeditiously.

Deputy Chairman, we understand that the technology of desalination has become more mature in recent years. According to media reports, the estimated cost of developing a desalination plant will be no more than HK\$4 billion, which is equivalent to the prices paid by Hong Kong for purchasing Dongjiang water for one year only, and the charges of potable water will also be greatly reduced to \$12 per mcm. More importantly, the SAR Government itself and the public can closely monitor the quality of water supply. Let us ask Hong Kong people this: Do they have confidence in the Mainland Government in controlling the quality of Dongjiang water or do they have confidence in the WSD of the SAR Government in monitoring the water quality? The answer cannot be more obvious.

Therefore, Deputy Chairman, the Neo Democrats consider that in order to achieve "Hong Kong water for Hong Kong residents" and self-reliance in water supply, the SAR Government should study ways to reduce the expenditure for purchasing Dongjiang water and channel the resources mainly into studies on the technology of desalination to facilitate early completion and commissioning of the desalination plant, while making efforts to further enhance the production capacity and take forward expansion projects. The objective is that in the long term, the desalination plant can replace Dongjiang water to a large degree and become a major source of potable water for the SAR. This is the reasons and logic behind my amendment.

Deputy Chairman, I so submit.

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

MR ALBERT CHAN (in Cantonese): Deputy Chairman, just now, I saw that Mr WONG Ting-kwong was so excited when he listened to the speech of Mr Gary FAN, and I thought he would speak.

Deputy Chairman, before I come to the content I plan to speak on, I would like to respond briefly to Mr Gary FAN's earlier remarks on reducing the expenditure on fresh water to show my support. I would like to take this opportunity to remind the Government that the Legislative Council made a site visit to Europe, Germany in particular, a few years ago, and the report of the duty visit mentioned the desalination technology and the practical example, for there is a world-renowned desalination plant in Germany providing desalination technology and facilities to Greek islands. The arrangement involves two natural energy services, namely, power generation and fresh water supply. The first one is the use of solar energy for power generation. Solar energy is used to generate electricity for the islands and for desalination. After we returned to Hong Kong, we put forth proposals to the Development Bureau and relevant authorities at the meetings of relevant committees, particularly at the meetings of the Public Works Subcommittee. Back then, the Government had to provide water supply services to communities in remote areas, where certain projects involved the provision of fresh water to dozens or over 100 of households in villages costing nearly \$100 million. These villages are similar to the Greek islands. Due to the expensive cost of the public works to be borne by the Government, it will be more cost-effective if *in situ* facilities for fresh water supply and solar energy supply can be built.

(THE CHAIRMAN resumed the Chair)

Just now, Mr Gary FAN mentioned that Hong Kong was definitely capable of pursuing development in this area. Such development is more favourable in terms of technology, resource allocation and cost-effectiveness, and I have thus provided the relevant information to the Government for reference. If Members look up the record on a visit made by the deputation of Members of the Panel on Development and led by Dr LAU Wong-fat, they will find that information in this respect has been provided to the Government for reference.

Chairman, I will then discuss Amendment No 604, which "resolved that head 137 be reduced by \$3,380,000 in respect of subhead 000", involving the

remuneration of the Secretary for the Environment for the year. Among the many Directors of Bureaux with low popularity rating, my negative feelings towards the performance of Secretary WONG Kam-sing or the Secretary himself are relatively less intense. I have been in contact with him for a period of time. I have gradually established some kind of working relationship with him with regard to the policies adopted, his way of dealing with people and matters. But why do I still support the deletion of his post? I am not targeting at him personally, but at the performance in that post.

Chairman, the operation of the Environment Bureau as a whole is a mistake right at the starting point. This has led to the waste of resource and public money in many policies at present. Of course, there must be some historical factors at the starting point, for the policies of the Bureau could not have been changed drastically overnight. Members may have seen the transition of powers in many overseas governments. Take Taiwan as an example. In the past, the Democratic Progressive Party was the ruling party; later, the Kuomintang took the helm. Some time ago, the Kuomintang was the ruling party but later the Democratic Progressive Party took the helm. A political party winning the mandate via election may impose significant policy change. In certain regions, cities or countries where sales taxes were not imposed, sales tax is introduced by obtaining the mandate of the public via election. In cases involving the development of certain industries in certain region, such as Switzerland, the introduction of minimum wage was vetoed by voting, and the introduction of minimum wage was voted down eventually. Hence, in terms of public mandate, there have been cases and practical examples in the introduction of drastic changes. However, Hong Kong has been dragged into a major problem concerning the environment, that is, the dispute over waste or refuse separation at source. Recently, the Government has aroused much controversy in the extension of landfills and the construction of incinerators. One of the reasons I have to stage strong opposition is that the Government has neither made specific planning nor specific administrative arrangements on waste separation at source, which will render the so-called waste treatment adopted at present to be proved wrong eventually. There are many such examples overseas. The experience of Taipei City is very agonizing. Back then, to address the problem of waste treatment, it hastily built a large number of incinerators. But now, due to the success in waste recovery, there is a significant decrease in waste volume. Hence one of the three incinerators built in the past has to cease operation now, and the remaining incinerators are only in partial operation. I have cited this figure repeatedly that the per capita waste generation rate of Hong Kong people in

average is two to three times of that of Taiwan and South Korea. This figure indicates that the Hong Kong Government is condoning or allowing the generation of waste and refuse. In fact, this is a mistake of the Government's policies and administration, or its lack of proper policies, which results in waste generation.

Chairman, waste generation indeed is a waste of public money. Mr CHAN Chi-chuen has mentioned earlier that waste is a kind of resource, and if the resource is properly treated, the public money to be spent on transporting refuse or arranging the disposal, treatment and incineration of waste or sending waste to landfills can be saved. Waste may be turned into resource. As we may see now, many elderly people have to collect waste paper. To them, waste paper is money. They have been collecting waste paper for many years to make their "savings for coffin", so to speak. Therefore, in waste treatment, the Director of the Policy Bureau in charge must have the vision and concept in implementing mandatory recovery.

In this connection, I have discussed with Secretary WONG Kam-sing for a number of times. He totally agrees with this in principle, but he expresses that execution will take a long time, where repeated explanation has to be made and certain strategies have to be implemented. He cites the example of the refuse levy to be introduced by phases at present, which he thinks will bring about effect. However, I have made it very clear to him that such attitude is totally wrong, for if the wrong path is taken, it will lead to continuous waste of resource and time. Due to this difference in direction, I think the deletion of the expenditure for the remuneration of the Secretary will convey a loud and clear message.

Besides, I think the recent proposal on the construction of an incinerator in particular is seriously wrong. Before a plan or decision on the overall treatment of waste is made, it is reckless to decide to construct a mega incinerator, and the arrangement will only bring further damage to the environment. Moreover, the location identified for the construction of incinerator is absolutely wrong. The Administration proposes to construct the incinerator at Shek Kwu Chau, a big cradle of ecology. It is a sin to carry out large scale reclamation in a fishing ground and a nature reserve with many dolphins and precious marine life. We cannot give up protecting finless porpoises easily. For this reason, I consider it necessary to delete the expenditure for the remuneration of the Secretary.

Chairman, another amendment I would like to discuss is Amendment No 1010, which involves reducing head 159 by \$30.9 million, a reduction approximately equals to the estimated expenditure for the Energizing East Kowloon project under the Works Branch of the Development Bureau. In fact, the Energizing East Kowloon project aroused considerable controversy when the Development Bureau was under former Secretary Carrie LAM. Back then, I had made repeated criticism that the Energizing East Kowloon project was undesirable in the context of overall planning and policies. The main problem was that the decision was made abruptly. Perhaps certain senior officials in the Government considered unilaterally that certain district should have unique development, or perhaps certain individuals thought so. This might be attributed to certain political reasons, or that members from certain political parties or groupings were having particularly close relationship with certain ranks of government officials and they were particularly influential.

I want to point out that in the past, a set of established and popular rules were followed by the public, the landlord or people participating in planning, and I consider the set of rules which have been operated for many years reasonable. However, these rules have been obliterated recently. Concerning planning, in the past, the authorities would certainly formulate the territorial planning. It would then follow the territorial development strategy to designate the specific districts in the east, south, west and north to be used for certain purposes. Which districts should be developed for tourism? Which districts should be developed for industrial purpose? Which districts should be developed for education? That means, on the whole, a strategic direction and decision would be laid down first. Obvious, Central and Wan Chai would be commercial districts, whereas new town development would be carried out in other districts. The authorities would then consider which districts would be used for the development of more new towns. In the past, planning was made from stage to stage and step by step.

Take commercial development as an example. I recall that in the 1980s and 1990s, when the Government formulated the territorial development strategy, in addition to Central and Wan Chai, it designated Tsuen Wan and Kwai Chung to be the secondary metropolitan areas and certain districts in Kowloon to be developed into commercial district. Upon the formulation of the overall territorial planning, there came the planning of other infrastructure support, including roads, highways, need for reclamation or the construction of railway,

and so on, and then other supporting facilities would be planned to cope with the territorial development strategy.

However, in the past five to seven years, particularly after TUNG Chee-hwa assumed office, changes were made in planning in this respect. I would say that this tradition in planning which the public and professionals considered preferable have gone. Chairman, this is definitely not a statutory mechanism but only a tradition. In the 1980s and 1990s or even earlier, the Government adopted this approach all along in planning the city layout of Hong Kong and certain major land use. The planning of Kwai Chung Container Port was made against this background.

However, the Energizing East Kowloon project was a bolt from the blue. All of a sudden, Carrie LAM gave the confirmation and said that the Energizing East Kowloon project would be implemented. Why is the energizing project not on Kowloon West, Chai Wan or Tseung Kwan O? Why should it be East Kowloon specifically? Back then, it was said that certain consortia were holding particularly large number of sites in East Kowloon, for those consortia have been acquiring sites in East Kowloon for the past 20 years. This can never be proved. However, since the implementation of the Energizing East Kowloon project (*The buzzer sounded*) ... I will supplement the analysis in this respect later. Thank you, Chairman.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, the issue raised by Mr Albert CHAN is very simple. It is only necessary to see which property developers changed tack suddenly after the election of LEUNG Chun-ying as the Chief Executive to know which property developers have probably been benefited.

Of course, I have expounded on how Kowloon East can be developed and I am not going to do this anymore. I now speak in support of Amendment No 1192 proposed by Mr Gary FAN, that is, what is called "Hong Kong water for Hong Kong people". Chairman, when I was small, I also watched that black-and-white documentary called *Water Comes Over the Hills from the East*, in which people kept chiseling rocks, just like building the Red Flag Canal.

From it, we would find that back then, in supplying water to Hong Kong, blood was really thicker than water. But matters would sometimes develop in the opposite direction.

Therefore, when I heard Mr Gary FAN speak, I felt as though I were watching *The House of 72 Tenants* — "If you have money, pass us some. We will withdraw if you have none" — and this is as simple as that. At present, the Guangdong Provincial Government is just like that police constable "369" in *The House of 72 Tenants*, so what kinship can we talk about? If you have money, just pay up, but if you have none, everything will be withdrawn. I cannot but admit that Mr Gary FAN is very wise as he has explained lucidly why his amendment deserves our support. If we take this opportunity upon the expiry of the contract, we can free ourselves from the bind. Then, we should carry out negotiations. If we continue to allocate funds to the Government for purchasing water, we are going back to the role of being a pious son performing the funeral ritual of bearing streamers and buying water and we will have no alternative but to do so. Moreover, the pious son I am talking about actually receives pay.

Coming back to the issue, why do we have to oppose the purchase of water from Dongjiang? This is not just a matter of "Hong Kong water for Hong Kong people" and our wish to regain the initiative and save money. In fact, this is also for the good of the people on the Mainland. According to the rules of market economy, we can see that Dongguan pays far less to buy water than we do, whereas it is slightly more expensive for Shenzhen. What does this mean? It is said that one should wait and sell at a good price, so the more money we pay to buy water to pour it into the sea, the less water there is for places suffering from water shortage on the Mainland. I think that in this legislature, apart from caring about ourselves, we also have to care about others.

Chairman, from the time of *Water Comes Over the Hills from the East*, in which we found affection and kindness, to the present, the price we pay for the water has been soaring. How high is it now? To tell you about this, one has to start from Malaysia and Singapore. It was said that when the ties between Malaysia and Singapore deteriorated, the Prime Minister of Malaysia cited an example, saying that the price at which Hong Kong bought water from the Mainland was US\$2.1 per 4 540 litres, 260 times more expensive than the price charged by Malaysia for water supplied to Singapore. Buddies, it is 260 times, and Hong Kong and the Mainland are relatives.

Therefore, on this point, I think this is an opportunity for us to take drastic and fundamental measures. First, Hong Kong should benefit from it. Since seawater desalination technology has developed to such a stage that it is even cheaper than buying water from the Mainland, we should take resolute action by proceeding with this matter and should no longer rely on the commodity economy to procure something that is strategically indispensable to us. I believe many Members who have frequent exchanges with the Mainland may not agree but I am sorry, this is actually far too expensive.

After expounding on this area, I will talk about another area. I consider it necessary to deduct the pay for the Environment Bureau. Concerning the Environment Bureau, the first point that I wish to talk about is that it has done a lot in the hope of improving air quality in Hong Kong. Many people would ask, "How can we make improvements? Are we supposed to use a large electrical fan to blow the air coming from the north back? When the wind blows from the north, there is really nothing we can do."

Chairman, this is not the point that I want to make. I am not talking about getting a large electrical fan to blow the air back. I just want to say that at present, in the Victoria Harbour — Chairman, you can also look at the Victoria Harbour from afar in your room — buddy, the extent of pollution in the Victoria Harbour is shocking and what is the cause? In most world cities, legislation would be enacted to prohibit ships passing by from using harmful diesel, so that both sides of their harbor and the sky will not be subjected to avoidable pollution.

Chairman, our Victoria Harbour is getting narrower and the so-called wall effect has become more pronounced. Up to now, we have not yet enacted legislation, so ships continue to spew out what is harmful and over-the-limit ... on seeing this in news reports, we really feel that this is a sore sight because other people have already ditched the worst diesel machines but after being imported into Hong Kong, they can be used again. Frankly speaking, from a commercial point of view, how possibly can doing so not afflict our harbor with all sorts of ailments? Obviously, the Environment Bureau is gasping for breath.

The second point is the issue of "three landfills and one incinerator", which the legislature has to deal with after filibustering. Chairman, on the issue of waste reduction at source in Hong Kong, as someone living in a public housing estate, I really think that the Environment Bureau has not done any work. In the place where I live, in the lift lobby, there are two tri-colour plastic bags. I am

not sure whether they are used for environmental protection purposes. They probably are and only three types of items can be disposed of in them: plastics, paper and metal cans. It is not known where glass bottles should be disposed of, not to mention food waste. Frankly speaking, are people living in public housing estates supposed to put food waste in their homes and put their own lives at risk? The rubbish and food waste will make their homes unclean, so special containers are needed to handle them. I have few chances of meeting WONG Kam-sing. On one occasion, he lobbied me, asking me not to filibuster, so I asked the Secretary to give me a container. Buddies, he has to give me a container before I can handle food waste. Chairman, frankly speaking, environmental protection is something the difficulty of which is hard to recount. If I want to handle an empty coffee can or the plastic container left after eating cup noodles, I have to wash them clean before I can offer them for recycling. Otherwise, they cannot be processed because they are not clean. Just now, I have said that water charges are very high, so this is being thrifty and spendthrift at the same time. When I use water to wash the waste, I also wonder if I am really being environmentally friendly. Using the precious water resources to wash this kinds of waste, yet I do not know where they can be disposed of ...

CHAIRMAN (in Cantonese): Mr LEUNG, which amendment is your speech now related to?

MR LEUNG KWOK-HUNG (in Cantonese): The amendments relevant to the Environment Bureau, from No ...

CHAIRMAN (in Cantonese): You should discuss the amendment related to the proposal to deduct the emoluments of the Secretary for the Environment.

MR LEUNG KWOK-HUNG (in Cantonese): From Amendment No 601 to ... this is awesome ... to 618 ... 604, 605 ... since you have made a ruling on the time limit, I am now being very generous, so I will give you more than you have asked for. You can choose whichever amendment you like.

CHAIRMAN (in Cantonese): Mr LEUNG, you said that you can dispose of plastic boxes and cups only after washing them but what has this got to do with

the amendment seeking to deduct the emoluments of the Secretary for the Environment?

MR LEUNG KWOK-HUNG (in Cantonese): That means this is not being environmentally friendly. If there is an easy way of dealing with them, that is, if a method is introduced for their disposal and there are people to deal with those dirty things, if you have listened carefully to my speech, you would know that since these kinds of waste are too dirty, low-pay workers handling waste would simply discard them. Do you understand? If the waste is not washed clean, it would be regarded as rubbish and discarded because they do not want to make themselves dirty. Are they supposed to wash their hands all the time? Therefore, if this matter is dealt with properly or higher wages are paid for this kind of jobs, the situation would not have developed in this way. This is the experience gained from life.

If there are also containers for food waste ... I once asked WONG Kam-sing if containers can be distributed to residents of public housing estates, so that chemical treatment and sedimentation can be carried out immediately. In that way, they can handle food waste. Alternatively, some areas can be made available for residents to carry out farming, so that the food waste can be composted and dumped in a hole. All these measures will not be introduced in public housing estates and even though they are feasible, they would not be implemented. At present, there is a lot of space at the place where I live but the authorities would not take these measures, merely saying to us that "the three landfills and one incinerator" are a must, so this is really nonsense. Therefore, he is unconvincing. Otherwise, why have so many controversies arisen?

Second, when initially dealing with waste reduction at source, he did not do a proper job in recycling. Our environmental industry is but a dummy. Chairman, to make it simply, if an industry is profitable, or the Government makes it profitable, people would scramble to enter it, would they not? Those unemployed wage earners would immediately form co-operatives to enter the industry. If a co-operative is set up at Kai Yip Estate, 50 married women would come out right away to join it. However, the Government does not take the lead in doing this sort of things. If waste cannot be reduced at source or recycled, you can only landfill it. If it is not possible to landfill it, then send it to the incinerator.

On landfilling, I am not going to argue anymore. The Government says that if the waste cannot be landfilled, our city will be besieged by it. In that case, just adopt incineration but how are you going to persuade Hong Kong people to agree to the incineration of waste within their communities? This is one problem. In fact, one day I was at the power plant owned by LI Ka-shing. Rubbish and silt from the sea bottom were purchased for incineration and I already pointed out at that time that it had to be proven beyond doubt this method of incineration was harmless. At present, under the leadership of WONG Kam-sing, Christine LOH has been summoned to deal with this task but we have not been persuaded yet. I have already told Secretary WONG Kam-sing that this is very simple. If he leads his team in camping for five days next to the kind of incinerator mentioned by them and breathe the air there every day, and if there is no problem whatsoever after breathing the air ... Chairman, this is actually very simple. Why is seawater desalination feasible? Back then, there were sewage purification and seawater desalination and the Carlsberg Group gave a public demonstration to show how its beer was brewed with treated water from sewage. Other people have really thrown in all their lot and if there had been any blunder, their brand names would have disappeared.

On this point, since the Environment Bureau has spent so much money and Secretary WONG Kam-sing is also a sincere person — I once had a chat with him, so I know — and since his assistant is also so awesome, why has this matter come to such a state? I believe this is because they lack determination and do not have a long-term blueprint to convince Hong Kong society as a whole. I am not discrediting what they say because of who they are; rather, I am feeling sorry for them. Secretary WONG Kam-sing is one of those rarely seen Directors of Bureaux who talks sense, but buddy, they are now all standing here dumbly and the "three landfills and one incinerator" proposal cannot gain passage. Now, in voicing the demand that their pay be deducted, I wish to take this opportunity to reply to Secretary WONG Kam-sing. If the Government wants the public to accept that something potentially detrimental will be done at their doorsteps, the Government should either take the lead in trying it out on itself, or there should be some significant and remarkable examples. At present, however, there are none. Let me say this again: I wish Secretary WONG Kam-sing can commit more resources to do a better job of waste reduction at source in public housing estates. Otherwise, I cannot see who would observe those rules in public housing estates.

Thank you, Chairman.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, the fact is that, with two hours left for tonight, I have finished only one-half of the Amendment No 630 regarding Secretary for Development Paul CHAN. I have made no mention of his labels of "drink-drive Paul" or "sub-divided units Paul". I have only talked about him as "water wasting", "land hoarding" and even nick-named him as "keyboard Paul", "low IQ Paul", "land-grabbing Paul". I have not yet finished my comment on his land grabbing and I am afraid the time will be running out. I now make a forewarning: he will also be name-tagged as "pork-barrel Paul", "ridiculous Paul", "fanatical Paul", "Kong land Paul" and "archeological Paul".

While I was talking about "land-grabbing Paul" and "blindfolded land-grabbing Paul", I cited an example, and that is the ditching of Queen Hill's private university plan. From it we can see the Development Bureau's chaotic policy on land use. I do not know how to simplify the ins and outs of the matter. The Government initially invited public tenders for Queen Hill's private university project and received nine sets of letter of intent, including those from the Society of Jesus and University of Aberdeen in Scotland. There was no follow-up and nothing ever happened. According to the Government's reply, that piece of land covered a vast area with only one access road. It would roughly cost \$1 billion if site formation works in addition to alteration of construction project were needed. The Administration estimated that the school sponsors who applied for using the site might be unwilling to spend such a huge amount of capital.

In other words, the Government is not willing to provide those supporting facilities if a school is to be built. What if the land is used for erecting residential flats? There is no way for those issues to go away if the land is used for residential housing. Be it a public housing or private residential project, many people will be moving in, implying that money has to be invested in making new roads, bridges and flyovers to meet the demand. However, how can the Government explain why it should not spend large amount of money to provide traffic supporting facilities or carry out maintenance if the land is used for erecting private university? Why was the Government willing to make use of public coffers to improve the road network in the vicinity after the previous Perowne Barrack in So Kwun Wat was being allocated to Harrow International School? I really do not quite understand. Do we have the same problem if the piece of land is reserved for developing private housing? What does this show? This shows unfairness. The Government is willing to pave the way for private developers but reluctant to develop a private university.

In fact, we have come to know about it recently that the ditching of the project has to date back to the end of 2012 when the Education Bureau was considering the letters of intent. There was a rumour that Secretary for Development Paul CHAN thought the demand for local private university was lower than expected. With the Policy Address soon to be delivered, LEUNG Chun-ying was anxious to get himself ready for some achievement in the search for residential development sites. As a result, this private university project was ditched. The Education Bureau at that time was not aware of it. My comment on "land-grabbing Paul" ends here.

Let me continue with "pork-barrel Paul". I am referring to the Lantau Development Advisory Committee with Secretary for Development as Chairman of the Committee. It is obvious to every person in the street that virtually all the Committee members are "followers of LEUNG". The Lantau Development Advisory Committee is one of the focal points in the Policy Address of Chief Executive LEUNG Chun-ying. If you take a look at the background of these 20 members, you will find that nearly half of the members are pro-LEUNG. Besides Paul CHAN as Chairman, the members comprise Franklin LAM, who resigned from Executive Council as a result of an earlier allegation of jumping the gun in the sale of his properties, Kaizer LAU Ping-cheung who was not only a Member of Legislative Council but also a resourceful mentor of LEUNG Chun-ying, and Andrew LAM, who is Chairman of the Antiquities Advisory Board. All of them are "followers of LEUNG". There are also Members of Legislative Council and District Councils. I am not going to repeat their names.

According to the analyses by the mass media, this Lantau Development Advisory Committee may involve a myriad of developmental benefits that have been disclosed by the newspapers. There is no need for me to read out what kind of benefits each Committee member is involved. In the eyes of LEUNG Chun-ying, he will surely benefit from Lantau. Through Paul CHAN's development project, which is of paramount importance, the population on Lantau can easily have a drastic five-fold increase. Who are to carve up this lucrative market share eventually? This is clearly seen by all.

On Paul CHAN's blog, there is an article released at the beginning of the year which repeats the proposals from the Policy Address. The article opines that Hong Kong has to change its land use and increase development intensity in order to identify more sites for residential flats. However, the most unusual and weird part is that Paul CHAN has requested District Council members and people

at regional level to bear the overall situation in mind, putting societal benefits as well as housing demand above any personal or regional interest. Paul CHAN has drawn on his extensive experience to come up with such way of doing things. Take the construction of incineration plant as an example. It almost failed miserably in a very easy task. Therefore, he made those forewarnings, hoping that the local people could follow him closely. He hoped that the residents and local people could "take it easy" — not the Financial Secretary's suggestion to "get away". He hoped that they could "take it easy" and let him have more available land for development instead of getting in his way.

One of Paul CHAN's "expertise" at the Development Bureau is to evade crucial point, in addition to his land resumption magic which can avoid impending trouble. From the Northeast New Territories Development Plan, we can see that the Government often knows how to evade the lands of indigenous inhabitants, as well as the lands that may involve conflict of interests with the golf club or big wigs. The interesting part is that the majority of the land lots designated for resumption do not involve claims of land ownership. In other words, the Government does not have to pay the price of a land lot which does not belong to any indigenous inhabitant.

The developers, land investors as well as the squires are equally affected in the course of land resumption, but they strongly welcome the development plan because they will be compensated on the land price for their land ownership. The big wigs and the squires will keep the Government safe from the storm. Subsequently, the Government has to win the support of Heung Yee Kuk and District Councils. In plain language, that means "I will certainly accommodate you if you have benefits for me." Changing the land use or increasing the plot ratio in any development area involves the change of planning in the entire city and it must be done very cautiously in implementation. The Secretary's "take it easy" and the Financial Secretary's "get away" really affected the overall situation jointly. The people of Hong Kong feel that collusion between business and Government has slipped them into the palms of the consortia's hands.

"Ridiculous Paul" is the next topic for me to talk about. What does "ridiculous Paul" mean? Take a look at Paul CHAN's land theory and you will understand why we have to cut his salary. He does not understand anything at all, which means he should not have been the Secretary for Development. In his recent appearance on television shows, Paul CHAN reiterated that the imbalance between demand and supply was the cause of high property price and that supply

had to be stabilized. He went on saying that the Government's increase in development intensity was not to benefit the property developers because they also had to tackle many such technical elements as utilization of infrastructure and land premium assessment, and so on.

High property prices are the result of the imbalance between supply and demand. It is as plain as saying that your mother is a woman and your father a man. The Secretary does not have to elaborate on this because it is somewhat we already know. The pivotal point is that LEUNG Chun-ying's Administration, with Paul CHAN being the Secretary for Development, should explain to the public the root cause of the imbalance between supply and demand in the current property market. Paul CHAN pointed out that the Administration's increase in development intensity was not aimed at benefiting the property developers. This is ridiculous. Property developers are surely chasing after profits. Paul CHAN was right in pointing out that the property developers do not obtain the land for free because they have to pay for the extra costs pertaining to the utilization of infrastructure and land premium. If the Administration allows them to increase the plot ratio and thereby adding to their development costs, they will put things into calculation and ultimately find their own ways to enhance profits in order to offset any additional expenses before commencing a project. Hence it is reasonable for people to doubt that Paul CHAN was talking bullshit when he said that the Government was not benefiting the property developers.

When being asked what the Government would do to deal with the opposition voices regarding the change of land use in various districts, Paul CHAN responded that the Government would consider views which made sense. However, he admitted that he would go ahead and do things his way if the opposing reason did not make any sense, such as landscape impact, and so on. Once again, it demonstrates his unawareness of public sentiments, in addition to his total lack of common sense. His performance proves himself unfit to be a Director of Bureau.

For any policy or political decision, it is not just black or white, right or wrong. The crunch is that it should at least be supported by half of the stakeholders, that is, the citizens, as well as by half of the people affected prior to implementation. If 90% of the people are against it, you will probably be unable to go on implementing the policy. In this case, you are only wasting time and money.

Paul CHAN said that there was not need to tell him that landscape would affect the price of a property. Does he have any common sense or not? Landscape will certainly affect the price of a property. Landscape can even have an impact on ventilation, day lighting and health. The SAR Government has been criticized for erecting "screen-like" and "toothpick-like" buildings. The Government has never learnt from past experience. If the residents ... base their objection of "screen-like" buildings on landscape ... something major happened in Mei Foo at that time. To date, the construction site is yet to break ground. No one knows why the whole site has been enclosed for years ... It only proves that he has no knowledge of land use.

Next, I am going to comment on the "fanatical Paul", which fewer people talk about. Why is he labelled as a "fanatic"? It is because he is unaware of land development, property market or public sentiments. Nor does he understand the importance of greening. On the weblog, this nicknamed "keyboard Secretary" wrote an article entitled "The implementation of Greening Master Plans (GMPs) for the New Territories". He indicated, "Immediately following the implementation of the GMPs for urban areas, the development of GMPs for various regions in the New Territories has also gradually commenced. In view of the extensive geographical spread of the New Territories, the regionally based GMPs will focus initially on densely populated areas, tourist attraction locations and major transportation routes in order to achieve good greening result." Here is another most ridiculous paragraph, in which he said, "In recent years, many people have chosen to go abroad for cherry blossom viewing, pear flower festival or enjoying the beauty of plum blossoms. These plants usually grow in temperate regions where the climates are cooler than that of Hong Kong. We can only grow species adaptable to Hong Kong's climate at suitable areas, such as ...". He gave *Cerasus campaulata* as an example. It is actually Taiwan cherry. He also indicated that plants growing pink or white flowers in spring could be considered. It might give the public a distant viewing of cherry blossoms. But we all know that it is no small matter naturalizing those plants in Hong Kong. It is done for nothing but purely for satisfying the Secretary's "crackpot" notion. Unable to think logically and without any common sense, his failure is a matter of course. Not only is the game not worth the candle, it can bring ecological disaster. I labelled Paul CHAN as "fanatical Paul" because he understands nothing.

I can still remember the wildfire which happened over the hills facing Penny's Bay on Lantau at the end of 2004. The fire turned the scene into bare hills. The Agriculture, Fisheries and Conservation Department spent \$6 million

on transplanting a total of 1.5 million seedlings of exotic species which I am not inclined to describe in detail. But I want to name a few species like *Casuarina*, *Acacia auriculiformis* and *Eucalyptus* because they grow rapidly and they are adaptive to adverse living environment. However, the idea of transplanting those species was under heavy criticism from environmental groups which claimed that those exotic species would be detrimental to the local ecological system. In Hong Kong, trees are grown mainly to establish a tree community so as to attract more local animals to coexist. Some scholars have pointed out that massive planting of exotic species would block the sunlight and occupy the space on which the native plants could flourish. Paul CHAN said in his weblog that Hong Kong might not be suitable for cherry blossom although this exotic plant was very beautiful. Therefore, he opined that we should grow some plants similar to cherry blossom. This kind of concept is totally wrong.

Taiwan provides an excellent experience, but I do not know whether the Secretary has ever learnt from it or ever heard of it. The growing of Taiwan cherry has aroused tremendous opposition from local tourism industry. Although tourism might be benefited during blossom season of Taiwan cherry, the plant actually poses serious hazards to the ecosystem. I have taken a trip to Yang Ming Shan to find out what happened. A non-government organization dedicated to the preservation of trees in Taiwan used the term "pink disaster" to describe Taiwan's wrongdoing. With the massive reproduction work carried out by humans in a powerful and effective way, the plant has grown into a hazardous tree community. Why is it hazardous? Besides wasting a lot of money growing vast amount of cherry at the footpaths, in the parks and around scenic spots, cutting down trees for additional growing space is inevitable. Is the tragedy likely to recur in Hong Kong? Both Hong Kong and Taiwan are within subtropical area. These trees only put forth blossoms for one or two weeks in a year. For the rest of the year, the trees together with their branches and leaves are not growing in a very normal manner. Not only greening is a void talk, the trees cannot even give shade for the passers-by. People and vehicles basically cannot withstand the scorching heat in summer. Therefore, I hope that the Secretary will not be too excited when writing his weblog articles. I really hope that "fanatical Paul" will not casually import exotic plants into Hong Kong while bragging to turn Hong Kong into a greener, "pinkier" and more beautiful city.

As a matter of fact, *Cerasus campanulata*, which Paul CHAN has talked about, is grown in rather cold places. If they are being forced to grow in

subtropical area such as Hong Kong, their chances of survival may not be satisfactory. The flowering phase may also be unstable. Besides typhoon, Hong Kong also experiences cold snaps which can cause those plants to blossom suddenly. When the weather turns warm, the flowers will wither and fall immediately. The sea of flowers to attract tourists, which the Secretary imagines, may not take place.

I am going to stop here for the topic of "fanatical Paul". In the next session, I will talk about "Kong land Paul" and "archeological Paul".

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

MR ALBERT CHAN (in Cantonese): Chairman, speaking of "fanatical Paul", Mr CHAN Chi-chuen mentioned earlier that 80% of the trees replanted after the fire near Disneyland or North Lantau were exotic species. Back then, I was the first one in the Legislative Council criticizing the Government on tree planting problems. After I have expressed criticisms for many years, 80% of the plants grown in the country park are local varieties as compared with the situation in the past where 80% were exotic species. In fact, layman leadership has led to disasters. Another story is about a government official at Administrative Officer Staff Grade A1 who said that he very much liked bauhinia. So, other officials were busy in flattery ...

CHAIRMAN (in Cantonese): Mr CHAN, please speak on the amendment.

MR ALBERT CHAN (in Cantonese): I see, Chairman. I just expressed my view from the bottom of my heart. Back then, 1 million bauhinia trees were planted. However, as bauhinia is a fragile species, many of the planted trees were damaged after typhoon seasons. Traffic was blocked by collapsed tree trunks lying on roadside everywhere.

Chairman, on Energizing Kowloon East, I mentioned the planning problem earlier. Now, I would like to discuss the specific impact. The Energizing Kowloon East Office was allocated \$30.9 million of funding this year, of which

\$15.9 million is for personal emoluments. The total number of staff will be 18 as at 31 March 2015. The Office is responsible for co-ordinating the development of Kowloon East — I will not go into the details — its duties include: to advocate and develop the Conceptual Master Plan for Energizing Kowloon East; to engage major stakeholders and the public to promote Kowloon East; to provide one-stop supporting services; to co-ordinate Government's efforts and the manpower and resources for local improvement works. The total design costs and construction costs of Energizing Kowloon East Office have reached \$20 million with an annual maintenance cost of \$400,000.

Since the concept of Energizing Kowloon East emerged, the rentals of the industrial buildings of Kowloon East as a whole have soared. In the past, many factory buildings in Kowloon East were available for the use of arts groups. But the rents have soared and are no longer affordable by these organizations. Recently, the price of some industrial buildings has exceeded \$4,000 per square foot, while the price before the Energizing Kowloon East might be around \$1,000 per square foot. The change of government policy as a whole has resulted in the soaring rents of factory buildings, which are unaffordable to ordinary factories. One of the policy reforms in Energizing Kowloon East is that the owner of a whole building factory can apply for converting the building into a hotel, and if certain conditions are met, the building can be converted into a hotel without premium. Therefore, policies are always linked with benefits. When Mr LEUNG Kwok-hung mentioned Energizing Kowloon East earlier, he said that some "followers of LEUNG" subsequently supported LEUNG Chun-ying. But as far as I know, the main developers of Kowloon East did not support LEUNG Chun-ying. Those who support LEUNG Chun-ying may not be the major developers in Kowloon East. I wish to clarify the criticism of Mr LEUNG Kwok-hung.

I just want to point out that Energizing Kowloon East has almost become the most favourite of the senior echelon of the Hong Kong Government. It has been accorded first priority with a special office being set up for the mission. Some of developments in Kai Tak were pledged by TUNG Chee-hwa, especially the Sports City. There are lots of special concepts in the Kai Tak Planning, which have been in existence long time ago rather than proposals by Carrie LAM as Secretary for Development. But I wish to mention that I strongly oppose the proposal of the green transport link. In my opinion, any transport planning, especially for some individual area, should not be unique in that particular area. The experience of the Light Rail Transit in Tuen Mun and Yuen Long is too

painful for us. The Sydney Monorail, which is designed for the use of certain areas of Sydney, has recently been proven to be a failure. Therefore, there is no successful example in the launching of a new supporting transport service in any part of the world. In the City of Calgary, for instance, an old tramway of a few hundred metres long providing free ride to the people is retained for the preservation of an old traffic system just like the tram on Hong Kong Island. However, if a unique design such as the green transport link is especially provided in only one area in the urban transport planning and development, can the Government cite any success story in terms of cost-effectiveness, public utilization and transport design? I have visited many places and never seen any successful case among the newly developed transport systems. The Government, which is arrogant due to its huge fiscal reserves, has a dream of turning Kowloon East, which is planned by itself, into a distinctive business area. This is a mission at the expense of taxpayers' money. In addition to the fact that this plan will be proved to be erroneous in the future, the Government will also face another problem: how about residents in other district? Why is there a special system in this area?

I have often criticized the Government that residents in New Territories West are treated as second-class citizens. In the urban areas, including Hong Kong Island and Kowloon, and New Territories East, a railway station is provided for every 50 000 to 80 000 people. According to a relevant document, it has clearly stipulated that as a planning standard, a railway station should be provided for 50 000 to 80 000 people in the Government's planning of the railway from Kennedy Town to Aberdeen and relevant railway stations are constructed accordingly. Of course, the superstructure on railway stations is lucrative. This is another matter. But this is the planning standard. There are only two railway stations in Tuen Mun, which is populated with 600 000 people, and only one railway station in Tin Shui Wai, the population of which is 300 000. Even in the planning of Hung Shui Kiu, a district to accommodate 220 000 people, only one railway station is provided. Suddenly, we are informed that the development of a new system in Kowloon East will cost tens of billions of dollars. Although the specific figure remains unknown, the consultancy fee is already exorbitant. Why will this green transport link be set up in Kowloon East alone? Why do they not conduct a consultancy study to compare districts with similar environmental features in the whole territory with Kowloon East? Why do they not convert the Light Rail System into this new system so as to be fair to residents in Tuen Mun and Yuen Long?

So, from the perspective of the principle of transport development strategy, we will see the absurdity of the so-called Energizing Kowloon East, particularly the green transport link of Kowloon East. However, Members have turned a deaf ear to these voices because of layman leadership. I have followed up infrastructure planning for more than 30 years. Some Members, who did not conduct any research on the notions, procedures, concepts and cost-effectiveness, have simply accepted the views of certain "salesmen". As we all know, many companies which have pecuniary interests will try to lobby and garner support from Members through various connections. These companies are really pervasive. Back then, when I was responsible for following up the 10 major core infrastructure projects, many consulting firms came to lobby me on certain issues or the development of certain aspects through various connections. So, when it comes to matters of material interests, we should be objective and impartial and put the interests of people first. Furthermore, problems should be evaluated according to the standards of public policies such as value for money and fair and reasonable test. A Member should not put the interests of Kowloon East first simply because he comes from Kowloon East. When such a problem occurs or such an approach is adopted, it will inevitably lead to disaster.

In his speech earlier, Mr CHAN Chi-chuen criticized the Secretary for Development Paul CHAN by calling his numerous nicknames carrying his name "Paul" because the Secretary, who has no knowledge of the relevant matters, thinks that he is very smart, very capable and has turned a blind eye to traditional wisdom and experience. There are a bundle of problems concerning Energizing Kowloon East. When the overconfident Carrie LAM has implemented a series of measures with the constant purpose of putting herself in the limelight, she is bound to commit mistakes. While mistakes are always committed under such circumstances, an official who has adopted a modest approach when performing duties can avoid errors. Some people's strengths are troubleshooting when problems arise, but they will commit mistakes when they are too ambitious.

So, as I have made a lot of predictions before, I would like to make a forewarning now. Chairman, I reiterated in the Chamber of the Legislative Council that Hong Kong would only become one of the cities of China more than a decade ago. Back then, I also foretold the circumstance of "sub-divided units Paul". I hope my prediction is wrong. However, if the Government introduces the green transport link in a stubborn manner, the green transport link will become another white elephant under the governance of the Government, symbolizing a waste of public money in its construction projects.

Next, I wish to talk about Amendment No 618, which involves Planning and Lands Branch. I have already expressed opposition to the provision of funding in this regard. But I would like to add a few points. A number of problems in planning have occurred in recent years such as scrambling for land by the Government as mentioned by Mr CHAN Chi-chuen earlier. I share some of his views. I just want to point out some deteriorating situations. As the Government is scrambling for land, the problem of screen-like buildings will become more serious than before. As areas of green belts dwindle, air quality deteriorates, traffic congestion is inevitable and community facilities will gradually be reduced. As a result, people's quality of life will be affected. I believe such problems will arise one after another in the future.

CHAIRMAN (in Cantonese): May I ask whether public officers will speak in the joint debate?

Secretary for Security, do you wish to speak?

SECRETARY FOR SECURITY (in Cantonese): Chairman, the Government will not respond to the aforesaid amendments.

CHAIRMAN (in Cantonese): I will continue to call upon Members to speak in the remaining time of this joint debate.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, Mr Albert CHAN has just talked about the Chief Secretary Carrie LAM and Secretary Paul CHAN. They can be rightly termed flamboyant and ambitious for great achievements. That was the same with the ancient Chinese Emperor Sui Yang Ti. Sui Yang Ti once said this and surely Members can recall it. He often touched his head and asked to this effect: With a skull as good as this, who will be the one to chop it? He had a dread for death. I do not know if this Government also has a fear for death because it is making a mess of things. I will talk about the railways, that is, head 158 — Government Secretariat: Transport and Housing Bureau (Transport Branch). The targets are of course the Secretary, the Under Secretary, the Political Assistant and the staff of the Bureau.

About railways in Hong Kong, the mode of operation is to inject funds constantly into a company which the Government has got a 77% share. It is called the MTR Corporation (MTRC). The fact that there is a problem of overspending in the Express Rail will not cause any worry to the MTRC because the railway is built with government money and when the problem cannot be solved, it can ask the Government for money. This way of operating a company is unique in this world. When railways are built, the operating company does not have to pay anything and all it does is to undertake the construction for the Government. It even charges administrative fees. What justification does it have?

Railways are money-makers for the MTRC. However, to build a railway station involves very high costs. Underground car parks are needed and vehicular accesses have to be modified. The Government has to spend some \$10 billion. When we had a debate on the Express Rail project, we asked whether or not there was such a need for it. As Members can see, building a railway means nothing but advantages for the MTRC. Even if there are blunders or delay, the Government will foot the bill. In order that the prime sites can be linked with the Austin Station and West Kowloon and to provide land to build posh homes, the Government has to spend another sum of more than \$10 billion. Buddy, this is of course good business. If Members slam at Jay WALDER now, he can say that it is none of his business as this humiliating agreement has been signed by the Government of its own accord. It has nothing to do with him. It is the Government which says that this approach will work and he does not care. At most he will just say "sorry".

Why do we want to reduce their salaries? This is because when they manage the MTRC, regardless of things like political ethics or the use of public powers and public money, they mess everything up. Now the railway company has 77% of its controlling shares owned by the Government but government policy states explicitly that although the Government has the majority share, it does not want to exploit this capacity as it does not want the minor shareholders to suffer any loss or experience any uneasiness. Buddy, what does it mean? Even though the Government has 77% of the shares and it is a majority shareholder, actually it is constrained by the MTRC, which is a minor shareholders owning 23% of the shares.

Chairman, just see what the result of this fare adjustment mechanism is like. The average profits made by the MTRC are \$13 billion a year, but it increases its fares for five years in a row. The Secretary is the representative from the Government and he is obliged to order the MTRC that even if there is a fare adjustment mechanism to follow, it should abide by a set of principles or subject itself to the fare subsidy mechanism or fare stability mechanism advocated by the Legislative Council. Some Members always ask "Long Hair" not to make lengthy comments on this and he should raise the issue up in the Panels. Mr WONG Kwok-hing likes to say that. He suggests that motion debates which do not have any legal binding effect should be held in the Council meetings. But we have talked about this for many years and we are tired of it. Do we see any change? No. When the Secretary has heard so many of these suggestions which call for a stop to the fare adjustment mechanism of the MTRC, he has never taken any action.

Moreover, I am just citing the views of other people. Mr TANG Ka-piu calls for a halt of the outsourcing system. Mr CHAN Kam-lam says that personal emoluments should be linked with train service performance. But Buddy, they are all absent tonight. And I have to do their part to speak out. Chairman, the MTRC charges expensive fares and the extent of its fare hikes is higher than the inflation rate and its profit margin is higher than other similar public utilities. This is a doubly-high ...

CHAIRMAN (in Cantonese): How are your views on the MTRC related to the amendments being discussed?

MR LEUNG KWOK-HUNG (in Cantonese): Because this falls within the ambit of the Transport and Housing Bureau. It is listed in the information paper I have got at hand. Do you want me to read it out? The Bureau is responsible for managing railways and buses. I have not yet talked about buses. Under the programme "Government Secretariat: Transport and Housing Bureau (Transport Branch), it is stated that the fare adjustment mechanism of the MTRC should be reviewed and its service, plus land and sea transport, should all be monitored.

In this Policy Bureau, this is the most valuable and one which is within its arm's reach. This is not something which cannot be moved because the Government has 77% of the shares. So I have to ask, when nothing can be done to bigger things because of this fare adjustment mechanism, is there any mechanism which permits it to reduce the accidents? I think you will know how to refute my argument. When there is no restriction on what can be done, it may as well do anything it likes. Is there any mechanism which forbids the installation of screen doors earlier? No. Is there any mechanism which forbids the building of toilets in every station? No. Then why it happens that big tasks cannot be done while the smaller tasks are not done either? This is baffling.

Chairman, if you say that it has got no money, I can give you the money. Just look at the subway in Taiwan. Which station there does not have screen doors and toilets? Its subway system is run by the Taipei municipal government whereas the MTRC is run by the Hong Kong SAR Government. Just go and see. The Transport Branch of the Transport and Housing Bureau is the most important department under the leadership of Anthony CHEUNG. But it has not done these tasks well.

Another thing which the citizens are unhappy about is the frequent incidents of the MTR trains. These include lost or erratic trips, as well as overcrowded trains. Something known as CHEUNG Chi-kong says that we are mistaken. He says that it is because of the increase in the number of working population that there is an increase in the traffic flow. This is definitely a lie. Members can go to the Admiralty Station of the MTR to take a look and listen. They can see how many of the passengers speak Cantonese. How many of these passengers are working people who take a ride in the MTR after they have left their office with a listless and tired face? No. All of the passengers are those who wear a happy face, speak Putonghua and carry shopping bags.

Even if we take what CHEUNG Chi-kong says, he cannot explain the reasons for lost or erratic trips and overcrowded MTR trains. We have pointed out many times to the MTRC that proper adjustments such as interchange concessions, flexible fares, flexible riding hours and so on can be made. Otherwise, concessions for tourists, which attract more of them to take the train, can be withdrawn. Without such concessions, they may take a taxi or a bus. But the MTRC is competing for more business and this makes people cram into the MTR trains.

I therefore think that the Transport Branch of the Transport and Housing Bureau has not done its duty. If the salaries of the top management of the MTRC are linked with performance and their bonus may be deducted or fines may be imposed according to the number of incidents occurred or other factors, do you think you will find this kind of performance? Now there are no fines imposed and there are no penalties even when the officers are supposed to be held accountable for what they do.

Chairman, if the problems related to the MTRC are to be solved, this fare adjustment mechanism must be scrapped. The power to increase or reduce fares should be returned to the Government, like in the past when such decisions were made by the Government under the scrutiny of the Legislative Council. Then we can go back to the original practice. Also, the authorities should repurchase shares of the MTRC because more than 22% of the shares are held by other people. The method to do this is very simple. We can just ask John TSANG, who is such an expert in economic matters, to ask for share subscription and withhold dividends. If this grand plan is announced, the investors will sell the shares they hold. The MTRC makes money but does not give out dividends and it even asks the small shareholders to subscribe to shares for its white elephant projects, future funds and works projects. Then the investors will certainly sell their shares. Then the authorities can buy back the shares. If this can be done, this will solve the longstanding problem of using the hard-earned money of the Hong Kong people to build railways and then offer these to the giant consortia for them to reap the profits.

On this point, I consider Anthony CHEUNG to be really good for nothing in respect of his performance in the Transport Branch. There is no system to go by with regard to monitoring the fare hikes of the MTRC, its service quality or the performance of its senior executives. I think there are too many of these examples but I do not want to cite them one by one. My mouth is dry now, but not because I have spoken too much.

I hope those Members of this Council who used to talk loudly on the various blunders made by the MTRC, especially Mr WONG Kwok-hing, who has spoken a lot on these, will vote to support slashing the salary of the Secretary for Transport and Housing. As we do not have the power to reduce the salary of the MTRC staff, such as Jay WALDER and CHEW Tai-chong, whose contracts are about to expire, but they have committed grave blunders, we should teach these

bad guys a lesson. Even if we cannot do so, we should teach those who protect these bad guys a lesson. On this point, I hope that Members who made a mistake in casting votes and voted in favour of the merger of the two railway companies and the privatization of the MTRC and who are still serving in this Council, will vote in my support. On these two occasions I voted against the proposals. Now it can prove that my choice at that time was correct.

The last point I wish to make is that even though the Express Rail has overspent, it can still serve its purpose upon its completion in 2017. But I think there is one thing which the MTRC will not do and only the Secretary can do but he has not done it. At the time when the proposal to build the Express Rail was being discussed, I asked Eva CHENG, who was the Secretary then. After this Council had approved of the funding to build the Express Rail, I asked her when the arrangement for co-location of immigration and customs would be available and whether the arrangement would become a reality after we approved of the land to construct the building for the co-location of immigration and customs. Now it is already three years from then ... no, it is four years.

Secretary Anthony CHEUNG is the person who oversees the MTRC and we should now be able to see this glaring loophole. We know that even if the Express Rail can be completed, if the problem of the co-location of immigration and customs cannot be put in place, the Express Rail will be like something useless. No one will pay for the expensive fare to ride an Express Rail train to Shenzhen and transfer to another Express Rail train to come to Hong Kong. If Anthony CHEUNG cannot give a reasonable explanation, he is cheating me on behalf of Eva CHENG. In view of this, I think the entire Transport Branch of the Transport and Housing Bureau and its controlling officers, including the accountable Secretary, should not be paid any salary. I hope the Chairman can see this point. Thank you, Chairman.

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

MR CHAN CHI-CHUEN (in Cantonese): Before I speak, I request that the quorum be counted.

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 CHAN Chi-chuen, please speak.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will continue. I will focus on the proposal to reduce the remuneration of Secretary Paul CHAN. I will elaborate on three points: first, the confusion about the policy "Hong Kong land for Hong Kong people"; then the issue of conservation policy and development; and lastly, Secretary Paul CHAN's plan to import foreign workers without any consensus reached in society. However, before I speak on these three points, I will explain briefly Amendment Nos 632 and 633. These two amendments are similar and they both propose to reduce the annual provision for the remuneration of the Under Secretary for Development. I will show my support for these two amendments and so I will explain them briefly.

Do Members know the name of the Under Secretary for Development? I think most members of the public do not know his name either. Will Members of this Council ask themselves sincerely whether they have any idea as to the name of the Under Secretary? This has been proved in a game. One day a TV station asked me, Dr CHIANG Lai-wan, Dr Helena WONG and Mr Michael TIEN to come to a game show. We were shown a photo of the Under Secretary for Development. Of course, the four of us failed to recognize him. Dr CHIANG Lai-wan has a much-quoted line which is to this effect: "They all look pretty much the same. How can I tell who is who?" This is a joke. As a matter of fact, the Under Secretary for Development has assumed office for less than half a year. He assumed office only on 6 January. He is called Eric MA. He has an annual salary of \$2.54 million. Members should know this because Amendment Nos 632 and 633 are specifically on this.

If no one can recognize an Under Secretary, should Members, the citizens or the Secretary be held responsible? Of course, everyone should be responsible. However, if an Under Secretary is hardly recognized by people, he or she should ponder over this. Of course, there are many reasons for the fact

that no one knows him. But has he taken the initiative to contact other people? This is a justification for proposing that his salary should be reduced. As for the functions, duties and responsibilities of an Under Secretary, two areas are involved. The first one is to assist the Secretary in leading the Bureau and in formulating policies. In terms of leadership and policy formulation, there are two points: First, to formulate policy objectives and set priorities, to formulate policies and legislative proposals to achieve the policy objectives and priorities set. I will skip the rest. Second, to co-ordinate with relevant bureaux/departments with respect to inter-bureau matters which require political opinion.

I do not know if there is any communication between departments, but a major duty of an Under Secretary is to assist the Secretary in handling matters related to the Legislative Council and also making political contacts. I can give ample justifications for making a criticism at this level. Of these, point (c) mentions that his duty is to attend meetings of the Committees, Subcommittees and Panels of the Legislative Council on the instruction of the Secretary, explain and defend government policy decisions and exchange views with Members of the Council. Point (d) mentions that he should maintain regular contacts with Members of the Council and to ensure that the views of Members are taken into account in the course of formulating and promoting government policies, and to ensure that Members can understand the stand of the Government. With reference to this point alone, we can see that the Under Secretary has been in dereliction of his duties.

Now the most controversial issue with reference to the Council meetings is the Budget, and for the Finance Committee, it is the funding for the site investigation works in the advance works of the North East New Territories New Development Areas which has been undergoing for two weeks in a tortuous manner and with no amendment handled. But this Under Secretary ... as Paul CHAN does not show up, the Under Secretary attends the meetings of the Finance Committee. But just by attending meetings, can he be said to have fulfilled his duty which is to attend meetings of the Legislative Council Committees, Subcommittees and Panels on the instruction of the Secretary, explain and defend government policy decisions and exchange views with Members of this Council? With reference to this, I think we have to see if he can fulfil his duties when he replies questions from Members in the meetings. It does not matter how many questions he has answered but whether or not he can give a reply to Members' questions properly. With reference to the second duty

which I have mentioned, that is, to maintain regular contacts with Members of this Council and ensure that Members views are taken into account in the course of formulating and promoting policies, I am sure he has not done so.

If this North East New Territories Development Scheme is so important and Paul CHAN evades the handling of problems because he has got interest in land and he does not think he should play a leading role in promoting the policy and fight for the funding of the advance works, and coupled with the many troubles that have appeared and so many questions raised by Members, then should this Under Secretary not take the initiative to contact Members of this Council? He may have contacted any of you here, but certainly he has not contacted me. I do not know if he has contacted Mr Gary FAN or other Members from the democratic camp and explain the policy clearly to them. I think for those of us who are opposing the policy most strongly, he should at least contact us and give us a clear explanation. He should find out what is happening, the causes and what should be done. This goes back to the same question. Between officials and Members, should there be other channels of communication available in addition to those in the Council, which are regulated by the Rules of Procedure?

The Under Secretary is paid to perform this duty, that is, maintaining regular contacts with Members of this Council. But I am sorry to say that this Under Secretary has not done so. We are most concerned about the developments in North East New Territories and we have great misapprehensions about the funding for the advance works for North East New Territories. But before these issues are addressed, we do not think we will approve of the funding application in the Finance Committee. To our dismay, he has not made any attempt to contact us to clarify things and persuade us. Then what is the point of paying him a salary? Should his salary not be reduced? I think this proposal is well-justified. He does not even pretend to communicate with us. Even if he contacts us, I will still have to assess how he performs and whether the attitude he displays is desirable. As to the point of ensuring that Members can amply understand the position of the Government, I do not think he has done anything to this effect. In the meetings of the Committee, he talks like a recorder and he is repeating things that have been given in the replies in the Panels. As for matters which we pursue, he cannot give us any answer to our satisfaction and he has never tried to communicate with us outside the Council. This is what I mean by dereliction of duty.

I will finish talking about the remaining three points in respect of Secretary Paul CHAN. First, it is about the idea of "Hong Kong land for Hong Kong people". Secretary Paul CHAN has mentioned this idea of "Hong Kong land for Hong Kong people" numerous times, but is the idea being shelved now? This is really a mystery. We can look at the remarks made on it by other people. Ever since the launching of the two harsh measures in the property market, LEUNG Chun-ying says that there are signs showing that the property market has been stabilized or even on the decline. He says that the Government will keep a close watch of the situation and he will launch the policy of "Hong Kong land for Hong Kong people", which is a highlight in his platform, as and when necessary. He says that the policy is acceptable to the market and it will be used when required. I am not going to repeat the rest of the nonsense remarks he has made. Based on the principles of sophistry in language, we can see how the Chief Executive LEUNG Chun-ying handles this policy of "Hong Kong land for Hong Kong people". By appearance he has not really uttered the word "shelve" but we have the impression that the policy is shelved.

The second proof is the explanation given by LAU Ping-cheung, who is both an ardent supporter of LEUNG Chun-ying and a member of the Steering Committee on Long-term Housing Strategy. LAU explains the relevant remarks made by LEUNG Chun-ying. He says that the policy can be said to have been shelved. But what is the response from Paul CHAN? In a reply given to a question from a Member, Paul CHAN insists that the Government has never said that the policy of "Hong Kong land for Hong Kong people" has come to an end or is shelved. This is only the comment made by certain media. Then who is right? LAU Ping-cheung or Paul CHAN? Of course, we should believe in the Secretary. Then who is right, LEUNG Chun-ying or Paul CHAN? Members should listen to the following remarks which I now quote before coming to a judgment. In September 2012 Paul CHAN made the following remarks in public to this effect: The policy of "Hong Kong land for Hong Kong people" as launched by the Government is not meant to curb property prices. But the remarks made by LEUNG Chun-ying makes us think that this is a policy for land development. Since Paul CHAN says that this is not a policy to curb property prices, then why does LEUNG Chun-ying say that now there is no sign of an overheated property market and he even uses this as a ground to justify his shelving — may be we should use another expression because he has never used the word "shelve" — the policy of "Hong Kong land for the Hong Kong people"? We can say he puts aside the policy or avoids using it and it will only be used when necessary. Does this proves that LEUNG's comment that a policy will be

launched when it is considered ripe is merely untruthful publicity from the outset. Someone must have told a lie or have misled members of the public and the Council. Then can Paul CHAN be considered to have been in dereliction of his duties? According to the line of thinking adopted by Paul CHAN, the relevant policy is not meant for curbing property prices. But the impression LEUNG Chun-ying gives me is that the policy is for curbing property prices. Does this show that there is no communication between these two persons? Who is playing a game of sophistry? Is it the person above Paul CHAN who is playing this game of sophistry? Does the policy of "Hong Kong land for Hong Kong people" still exist? Please give the Hong Kong people a definite answer. We do not mean that policies can never change. Provided that ample justifications and explanations are given so that both the public and this Council are convinced that shelving the policy or changing it is better than enforcing it, we can discuss it. But the Secretary displays an attitude which I find to be evasive and I do not think that is what a Secretary should do. If the policy in question is shelved or postponed, does it mean that no account will be given to this Council? Therefore, this policy of "Hong Kong land for Hong Kong people" is an important proof that the salary of Paul CHAN should be reduced.

Then the following issue of conservation is a greater cause of worries for the citizens. With respect to the archaeological work in the To Kwa Wan station, Paul CHAN has said the following to this effect: "While importance is attached to conservation, we have to take into account the progress of the works". It is fortunate that Paul CHAN likes to write blogs and what he says in the blogs can become his statement. I can contrast them one by one. He has written an article from a column entitled to this effect: "From the Desk of the Secretary". This article is entitled to this effect: "Conservation and Development". He points out that certain people have unknowingly place conservation and development in opposition. As a matter of fact, it is not a zero sum game between conservation and development. Then he says that the Development Bureau has held an international seminar on the conservation of artefacts. The conclusion reached is that given the market pressure of redevelopment, there is still no consensus reached around the world with respect to what measures should be adopted to conserve historical buildings owned by individuals in the private sector. What kind of a consensus should be reached when the problem is conserving the monuments of the previous dynasties or historical remains? Will a public referendum be necessary to decide whether there should be conservation or that minor changes should be made to the location of the station? The SAR Government has invited the Antiquities Advisory Committee to review its policy

on privately-owned historical buildings. Actually, the issue has been discussed many times. I recall that in 2011 the Government held one such international seminar and the topic at that time was to this effect: "Friend or Foe? Conservation or Development?" It was then the Donald TSANG times and likewise this is also rubbish. It says that conservation and development do not necessarily confront each other and they are two sides of the same coin. We have to strike a balance between development and conservation of monuments. The contents of Paul CHAN's blog are more or less the same as the remarks made during the times of Donald TSANG. However, in the view of LEUNG Chun-ying, there is a need to review the policy with respect to the conservation of private historical buildings. Then he reorganized the Antiquities Advisory Board. This move is criticized as one which is spearheaded by his ardent supporters. A member of the electioneering team of LEUNG Chun-ying, the urban planner Andrew LAM Siu-lo is appointed the chairman of the Antiquities Advisory Board. He is said to have been parachuted into the Board. LAM drafted LEUNG's platform in respect of lands and planning when LEUNG ran for the post of the Chief Executive. The new members to the Board are also LEUNG supporters. The Secretary's blogs and the remarks he makes will certainly be a cause of misapprehension for the green people. This is because if Paul CHAN has to face this dilemma of development and conservation, we are sure Paul CHAN will prefer development to conservation. This is also something which a Secretary for Development should not have done.

Now I want to read out another charge and I think that Members from the pro-establishment camp, especially those from the trade unions, must pay attention to it. Paul CHAN has resorted to denying his previous stand and prepared the way to import workers from abroad. Earlier on before the Budget was delivered, Paul CHAN admitted at the beginning of a blog article that he agreed that the construction industry had taken different measures to attract young people to join the industry, and training for workers was also enhanced. But he wrote on, which is the usual trick he plays, and the thrust of the argument will not be stated at the beginning until the appearance of the sentence starting with "but", which will mark the things the writer really wants to say. He says that it is very difficult to train up a large number of skilled workers, and fresh graduates from training programmes are only semi-skilled workers who have limited experience, and therefore efforts must be made to fully utilize the Supplementary Labour Scheme as a means to import skilled workers at the right time.

MR GARY FAN (in Cantonese): Chairman, I will speak on Amendment No 636 and that is, on Head 138 — Development Bureau (Planning and Lands Branch) and to reduce the provision for the salary of the Secretary for Development Paul CHAN by six months in respect of subhead 000. This is my last amendment in this joint debate session and it is also the last time I will speak. I will explain the justifications for this amendment. In the debate on last year's budget I also proposed a similar amendment. It is unfortunate that the performance of the Secretary for Development Paul CHAN has not improved yet.

Chairman, in the current-term Government, the Chief Executive, the Financial Secretary and the Secretary for Development alike, all have a similar habit or freak. They are keyboard fighters. When discussing major policies, they would resort to using blogs to respond and talk about what they think. They dodge the media, the public and Members of this Council. They refuse to face the public. Recently, in the works of the Shatin-Central Link, some ancient wells and relics of residential settlements that can be dated back to the Song and Yuan dynasties were discovered. They are a major development in local archaeological findings and they are of great value to studies on the history of Hong Kong. Both the archaeological and cultural sectors demand that careful conservation of the site should be carried out, and the site should not be handed back to the MTRC hastily for it to continue with the works of the Shatin-Central Link. But Paul CHAN, the Secretary for Development who is also the Antiquities Authority, disappeared at such a critical moment, amid public and media concerns about these Song and Yuan wells and relics of residential settlement. He simply vanished. He only published an article in his blog on 20 April entitled to the effect of "A well: heritage of Hong Kong's past". Then he continued to disappear and all along only the chairman of the Antiquities Advisory Board responded to media and public enquiries. Paul CHAN is a policy secretary who is not only in dereliction of his duties but also shirking his responsibilities. He does not deserve to receive this high pay.

It was only on 17 May that Paul CHAN came out and faced the public. But what did he say? To our dismay he only said that works in the site in which archaeological work had finished would commence so that works for the Shatin-Central Link should not be delayed "for no reason". I think the Government should be very careful when it comes across such major archaeological findings. But it is outrageous to find this Secretary for Development who is also the Antiquities Authority can have described archaeological work as "for no reason". It can therefore be seen that his attitude

to work is at best amateurish and he fails to perform his duties as the Secretary for Development.

Chairman, apart from this, Paul CHAN has continued to neglect the demand made by large numbers of residents, villagers and farmers from the North East New Territories New Development Areas who do not want to be relocated or have their houses demolished. CHAN insists that the plan to develop North East New Territories should be launched at all costs. In order to mitigate resistance, he resorts to bypassing the procedures. Before an assessment is made by the Town Planning Board, he has applied for funding from the Finance Committee of the Legislative Council. The funding is for advance site formation and engineering infrastructure works at Fanling North New Development Area (NDA) and at Kwu Tung North NDA. He is trying to create a fact and start the North East New Territories NDAs plan. This move is made in blatant disregard of procedural justice. Chairman, earlier on the Town Planning Board has received 21 817 and 21 600 submissions with respect to the zoning plans for Kwu Tung North and Fanling North respectively. Of these submissions, only seven are in support of the Government's planning. Chairman, this is a proportion of 50 000 submissions to seven submissions. It is obvious that there is a big difference from the opposing view. However, Secretary Paul CHAN insists that advance works on site investigation be carried out in Kwu Tung North and Fanling North. This is obviously a case of forcing one's way through by disregarding and neglecting public opinions. He has made no attempt to understand the serious disturbance caused by the works to the residents living in Kwu Tung North and Fanling North.

Chairman, this is not the first time this year that the Development Bureau exhausts all sorts of ways to harass those villagers who demand that they should not be relocated and their houses should not be demolished. In January this year, a complaint was lodged with my office from the residents of Kwu Tung North, saying that on 16 January this year the Government announced all of a sudden that it would conduct a registration of the residents in Fanling North and Kwu Tung North with a view to freezing the number. The information obtained will be used as a basis for working out the eligibility criteria for rehousing and paying out *ex gratia* grants later. This is in effect forcing the residents to undertake earlier that they will move out of their residences. This exerts an immense pressure on those villagers who insist that they will not be relocated or have their houses demolished. The mental stress is so excruciating that a villager in Kwu Tung North committed suicide. Every time when we mention

this incident or when Paul CHAN attends some public functions and some members of the public or media people bring up the matter, Paul CHAN will never admit his responsibility and he will look annoyed. He uses stern language to try to argue and deny. But we have the facts before us and Secretary Paul CHAN is going against public opinion. He has refused to withdraw this North East New Territories development plan, which covers the land he is hoarding. He should have stepped down a long time ago. There is no reason why he deserves to get a salary of over one million dollars a year.

Chairman, the Government was always challenging the bottom line for developing the country parks last year. On a number of occasions it tried to gauge the bottom line of public opinion on this issue. Green groups have exposed many times that the land to be developed is often green belts covered with vegetation. Chairman, we know that green belts help protect the ecology of the country parks and they are playing a buffering role. Since Paul CHAN is the Secretary for Development, he cannot shirk the responsibility of causing damage to the environment when he wants to develop the country parks.

Chairman, I understand why the Government wants to protect Anthony CHEUNG, Secretary for Transport and Housing. This is because as compared to Eddie NG, Gregory SO and Paul CHAN, his performance is not so bad. If Anthony CHEUNG is to step down owing to the overspending caused by the delay in the Express Rail project, then people like Paul CHAN, Eddie NG and Gregory SO obviously deserve stepping down more than he does. They should not stay on in their present positions.

Therefore, Chairman, on behalf of the Neo Democrats I propose this amendment to reduce the provision for the salary of Paul CHAN for six months. I urge him to consider carefully and listen to the views of the residents, villagers and farmers of the North East New Territories NDAs, reconsider the alternative proposal to develop the Fanling golf club raised by civilian groups, and withdraw the North East New Territories development plan. He must examine seriously all green belts in Hong Kong that can be developed to ensure that development will only be undertaken in green belts without vegetation cover. This will prevent any damage done to the ecology of our country parks.

Chairman, I so submit.

MR TONY TSE (in Cantonese): Chairman, in this debate session, I will first comment on the two proposed amendments related to "Head 25 — Architectural Services Department" and "Head 82 — Buildings Department" seeking to drastically deduct the annual estimated expenditures for the operation of these two departments, that is, Amendment Nos 61 and 418. I oppose these two amendments and the other related amendments.

Among them, Amendment No 418 proposes to drastically deduct the annual estimated operating expenditure for the Buildings Department from \$1,141,427,000 to just \$1,000. I noted the explanation given by Mr CHAN Chi-chuen just now and one of the reasons for his proposal to drastically deduct the annual estimated operating expenditure for the Buildings Department from \$1,141,427,000 to just \$1,000 is that the Buildings Department lowered its targets for a number of initiatives in 2014, for example, to reduce the number of target buildings selected under the Mandatory Window Inspection Scheme from 2 823 in 2012 and 3 943 in 2013 to 1 000 in 2014.

However, as far as I know, the reason for the Buildings Department to reduce the number of selected target buildings is the huge workload associated with the Mandatory Window Inspection Scheme. The number of units involved is very large, so the department has to redeploy resources ...

(Someone in the public gallery was causing a disturbance)

CHAIRMAN (in Cantonese): Mr TSE, please wait a minute. Will the people in the public gallery stop causing a disturbance?

(The people in the public gallery ceased to cause a disturbance)

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

MR TONY TSE (in Cantonese): The department needs to redeploy resources to handle the large number of pending cases involving the target buildings selected in 2013 in which inspection notifications have not yet been served. I understand and agree with the appropriate adjustments made by the Buildings Department to

the relevant work targets because in respect of any work target, the department must have adequate manpower to tie in with it. Otherwise, the formulation of any target would be meaningless.

Chairman, the relevant professional associations in the Buildings Department relayed to me a number of times the view that in recent years, the Government had introduced a number of policies and measures related to building management and repairs and maintenance, including such schemes as mandatory building and window inspection schemes, so the workload of the Buildings Department had increased significantly and the manpower of the department was practically insufficient to cope with it. I believe Members still remember that in late October last year, some of the front-line staff members of the Buildings Department staged a strike to protest against the department's failure to face squarely the problem of insufficient manpower. At that time, many political parties and Members expressed their support for increasing the manpower of the Buildings Department. Although the Buildings Department plans to add 215 posts in 2014-2015, if the proposal to deduct its expenditure is passed, not only will the Buildings Department be unable to increase its manpower, it will also have difficulty in maintaining its daily operation, thus directly impacting on the work related to unauthorized building works, building repairs and maintenance and building management. Therefore, the proposal in question is totally impractical and it definitely cannot be supported.

Similarly, in recent years, the Architectural Services Department has been facing the problem of insufficient manpower. As far as I know, the "design-and-build" procurement method was adopted in the case of some construction projects because manpower of the Architectural Services Department has been insufficient, but this mode is not always suitable for all projects. To adopt it regardless of the actual situation may lead to an increase in construction cost. Therefore, the department needs sufficient manpower to cope with the increased workload and meet the expectations of society.

Chairman, I fully support that the Government needs sufficient manpower in the Civil Service. The proposals in Amendment Nos 61 and 418 seek to deduct the annual expenditures for the Architectural Services Department and Buildings Department to just \$1,000 each, which will render it impossible for the departments to operate effectively in the next financial year. Regarding these two amendments, I will not support them at all.

Chairman, a Member also proposed amendments in relation to "Head 91 — Lands Department", that is, Amendment Nos 454 to 467. Among them, Amendment No 454 seeks to deduct \$1,651,878,000, an amount approximately equivalent to the personal estimated expenditure for the annual emoluments for staff members of the Lands Department. Of course, I oppose the proposal. The Lands Department is mainly responsible for managing land in Hong Kong. The staff members of the department, whose number is close to 3 000, are mainly responsible for duties related to the administration of land in Hong Kong. Deducting the annual expenditure for their emoluments will directly impact on the grant and sales of land, the clearance of illegally occupied government land, the processing of leases and the clearance of unauthorized building works. These deductions are not conducive to enhancing the performance of the Government in land administration and management in any way.

In addition, a Member proposed seven amendments in respect of "Head 62 — Housing Department", that is, Amendment Nos 324 to 330 and they include deducting the expenditure for the creation of posts in the two programmes under the Building Control and Support Services, the expenditure for the Special Duties Unit responsible for following up recommendations of the Long Term Housing Strategy Steering Committee, and the expenditure for monitoring the progress in supplying land for public housing. In the face of the rising demand of the Hong Kong public for public housing, the Government has allocated additional resources and stepped up its effort in increasing land and housing supply in recent years in response to the aspirations of society. The relevant amendments obviously run counter to the aspirations of society, so they are not moves conducive to public livelihood. For this reason, I will oppose all of them.

Chairman, I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, concerning the question of Mr Tony TSE, I wish to respond briefly.

I certainly know that as a Member from a functional constituency, he has the responsibility to defend for his voters. If he opposes my amendment on

reducing the expenditure for salaries, he should at the same time oppose the reduction of the estimated expenditure for the salaries of staff members of the Policy Bureau concerned. Take the Mandatory Window Inspection Scheme as an example. In implementing the Scheme in a mandatory manner, the Government has not provided the necessary manpower. As I have repeatedly pointed out, members of the engineering sector complained to me that after they have received orders from clients, the Buildings Department (BD) does not have enough manpower to vet and approve their plans. Also, after they have completed the project, the BD does not have enough manpower to issue Certificate of Compliance. As a result, they are unable to collect the project money from their clients because the flat owners are reluctant to pay in the absence of a Certificate of Compliance. So, they are in such a dire situation that they cannot survive regardless of whether they accept orders or not.

Only one conclusion can be drawn from the justifications given by Mr Tony TSE in objecting my proposal, that is, the controlling officers of the Policy Bureau who oversee the BD and the Architectural Services Department should be held responsible because the policy formulated by the Policy Bureau has simply not been effectively implemented by the front-line staff of the departments concerned. This is most undesirable. What kind of Government is this? Although the brain has commanded the hands to take food, the hands take faeces instead. It is really disastrous. Is it the brain or the hands which have gone wrong?

I am not kidding. I am not a Member from a functional constituency, but I do not know why so many people lodge complaints to me. Now the situation has improved. Mr TSE mentioned just now that the department concerned has hired hundreds of new employees. But the fact is that the Permanent Secretary for Development has increased manpower of the department only after being questioned by me. At that time, he even queried whether my comment was true.

So, I have to speak in a seemingly opposing manner. There is no alternative except cutting the estimated expenditure for salaries. Chairman, we cannot propose increasing the estimated expenditure for salaries. It is stipulated that we cannot propose increasing the estimated expenditure. Please understand this, Mr TSE. I cannot propose increasing the estimated expenditure for hiring 200 more staff members to help with the department. Therefore, I have to speak in a seemingly opposing manner. If not, Mr TSE will have no alternative. Even though Mr TSE wishes to increase the provision for hiring 400 more staff

member to help with the department, I am sorry, the President of Legislative Council cannot grant approval unless the Chief Executive or John TSANG gives consent and grant approval to Mr TSE's proposal on the ground that it is his proposal. Otherwise, a proposal to increase expenditure is disallowed.

I heard that Mr CHAN Chi-chuen questioned whether the "Hong Kong property for Hong Kong residents" policy has come to an end because no official admitted this. I think the Chinese language standard of Mr CHAN Chi-chuen is not good enough because the "Hong Kong property for Hong Kong residents" policy has died unnatural death. It has died for no reason. Why? It is because the policy has died prematurely. After the two sites under the "Hong Kong property for Hong Kong residents" policy have been bought by a China-funded organization through tendering, this policy has become meaningless. As the land has been sold to a China-funded company, how can the policy be carried on? So, they have become a mess and "dispersed". However, they gave different explanation when being asked about the policy. Paul CHAN has said that the policy does not aim at curbing property prices, while LEUNG Chun-ying has also said that the policy is no longer implemented as property prices have dropped. Frankly, LEUNG Chun-ying should learn from "Uncle TUNG". A policy which is not mentioned means that it does not exist anymore. The officials should seal their lips for three months and no one will talk about it anymore. But we will continue to talk about it. This is the first point.

Paul CHAN is most cold-blooded. He should learn a lesson from his predecessor. Back then, when Fanny LAW was in her office as Permanent Secretary for Education and Manpower, two teachers committed suicide because they found reforms in education policy unbearable. However, Fanny LAW refuted such a statement on the ground that among tens of thousands of teachers, only two of them had committed suicide. She implied that someone had lied. She was really outrageous. Were the lives of the two teaches worthless? Paul CHAN kept a straight face listening to the news about the demise of an elder living in the Northeast New Territories. As an act of kindness, he should not have said something to the effect that "How can we stop him if he is determined to commit suicide?"

Mr CHAN Chi-chuen does not have any sense of history. If he is aware of the "chivalrous" act of Fanny LAW at that time, he would not have accused Secretary Paul CHAN of his fault. His accusation on Secretary Paul CHAN is

not justified because he has made progress in governance. But there is retrogression. Chairman, you have also witnessed the incident of the Queen's Pier. The conservationists argued for preservation of the Pier due to its historical value. After Carrie LAM had come back, Jasper TSANG ... Donald TSANG praised her for her fighting spirit and appointed her as the Permanent Secretary for Development. Back then, she had not yet been appointed as a Director of Bureau. At the meeting with the students, she said that there was objective criterion for the Government in decision making. She referred to the Antiquities Advisory Board under the Development Council. She said that the Pier was clearly not an item of antiquity, but the students held such an opinion. So, the Government would not accept their views.

Paul CHAN is really "too smart". The ancient well that we are talking about dates back to Song Dynasty. What are the relics of Song Dynasty? They are irreversible. Frankly, if the Secretary tells the curio sellers in the world that the MTR Shatin to Central Link project comes to a standstill because of the discovery of antiquities, they will certainly volunteer to resolve the problem for the Secretary as long as they can conduct a field trip expeditiously. Frankly, Mainland antiquities experts will also come to Hong Kong to collect antiquities speedily upon invitation. How could the Secretary say, "Excuse me, even though these relics are related to the history of Hong Kong and suitable for national education — our ancestors arrived in Hong Kong long time ago as Hong Kong is in the Southern part of China, so this is the origin of our culture; that Emperor Bing of Song Dynasty had come to Hong Kong is not a rumour — we can do nothing."

Does Paul CHAN, in his capacity as the Secretary for Development, really think that "development is the absolute principle"? Chairman, in Beijing, "development is the absolute principle" has gone to hell for long. All monuments in Erwan Lu, Sanwan Lu, have been cleared and dismantled. The performance of Paul CHAN is getting worse. Back then, Carrie LAM would still discuss with the public about whether the Pier is a monument. Discussion with the public on the subject was held and the Government adhered to objective criteria. But despite the existence of an objective standard, Paul CHAN said that railway development cannot be hindered. Does he know that the problem can be resolved by changing the alignment of the railway? If monuments are cleared and removed because the authorities refuse to change the railway alignment, these relics will be lost forever. When the Judge granted me permission not to attend

the trial, he also said, "The date of the Legislative Council meeting cannot be changed, but the date of a trial can. So, Mr LEUNG, go back to attend the meeting on behalf of the voters." Even a judge understands this. The consequence of an act is irreversible.

Paul CHAN thought that it was a steal. As an accountant, an appalling accountant in his former career, he assumed the office as Secretary for Development. This is certainly fatal because in the relevant Programme under the Head — the Development Bureau, there is no such thing as "development is the absolute principle". Conservation is also important. If not, he would not chair an advisory committee. He is now wearing two hats, meaning that he is the Secretary for Development and the Chairman of an advisory committee. The statement released by him is tantamount to telling members of the advisory committee, "Since the Chairman has set the tone, you should make way for it!" What did Paul CHAN say?

Honestly speaking, MA Siu-cheung is a typical example. His name is MA Siu-cheung, am I right? He has never contacted me. Honourable Members, if MA Siu-cheung has contacted you, please raise your hands. Certainly, none of you. He assumed office in January and now it is May, but I have not even received a name card from him. Chairman, I have not even heard him talk to me like this, "My name is MA Siu-cheung, an Under Secretary. Mr LEUNG, please come to give me advice if you have the time" ...

(Mr Paul TSE stood up)

MR PAUL TSE (in Cantonese): Chairman, a point of order in accordance with Rule 45(1) of the Rules of Procedure. Many Members just now ... at least one Member, that is Mr CHAN Chi-chuen, has repeatedly spoken on the issue that MA Siu-cheung is not recognized by Members. Mr LEUNG's speech is repetitious and redundant.

MR LEUNG KWOK-HUNG (in Cantonese): No. He is not being unknown to Members. On the contrary, he does not know me. Chairman, Mr Paul TSE's remark is utterly the reverse of the fact.

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

(Mr LEUNG Kwok-hung sat down)

CHAIRMAN (in Cantonese): A point of order raised by a Member should be decided by me instead of being debated by Members themselves.

Under Secretary MA Siu-cheung is not recognized by Members. This is a fact. A Member mentioned this earlier but Mr LEUNG Kwok-hung did not. Under Rule 45(1) of the Rules of Procedure, it does not mean that after an issue has been discussed by a Member, other Members cannot raise it anymore. What I have to keep alert is whether a Member has persisted in tedious repetition of his own arguments. If a Member wishes to explain the justification of supporting an amendment, he is allowed to discuss it even though other Members have mentioned it too. However, Mr LEUNG Kwok-hung, I would like to remind you that you should not repeat the same argument time and again. Mr Paul TSE has pointed this out. Other Members have also raised the same problem.

Mr LEUNG, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I was talking about my personal experience. Other Under Secretaries have contacted me. MA Siu-cheung has assumed office for four months but I have not received even a name card, fax, or document for self-introduction ...

CHAIRMAN (in Cantonese): Mr LEUNG, under Rule 45(1) of the Rules of Procedure, Members should not persist in tedious repetition of their arguments.

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

CHAIRMAN (in Cantonese): You have cited a number of different examples to illustrate the same point. This is also a repetition of arguments. Please take note of it.

MR LEUNG KWOK-HUNG (in Cantonese): I know. Anyway, according to my experience, I have never seen an Under Secretary who behaves in this way. I would receive a name card and so on in the past. But now I have not. What is he doing? I really do not know. So, I have to deduct his salary.

Another issue is about his boss Paul CHAN. At present, the controversy concerning the Northeast New Territories is at fever pitch. Both Paul CHAN and his Under Secretary have failed to fulfil their responsibilities. Insofar as his political assistant is concerned, I have no idea of his whereabouts. In that case, why do we need this bureau? They are now facing such an important incident.

I think Paul CHAN in his blog ... Chairman, all these are the shortcomings of his blog. Why are the shortcomings of his blog? In his opinion, he can, through his blog, tackle many issues by one piece of article which will be read by many readers. Further, the articles in which he has confidence will be written by his assistants. He thinks that his duties as a Director of Bureau can be fulfilled in such a manner. In fact, this idea is utterly wrong because he should not tell the public what he is interested in, such as what flowers to be planted. Instead, he should discuss matters of concerns of the public and the Legislative Council. What is the meaning of talking about other matters?

Miss CHAN Yuen-han said that she wanted to view cherry blossoms. In his prompt response, he said that he knew how to cultivate this kind of plant. I remember Miss CHAN Yuen-han immediately asked him whether he could grow this kind of tree for her ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have digressed from the subject.

MR LEUNG KWOK-HUNG (in Cantonese): So, I think all officials of the Bureau, starting from the Secretary for Development to officials under him, are utterly incompetent.

Well, let me talk about another issue. It is about Anthony CHEUNG, relating to housing. I will not repeat my viewpoint ...

CHAIRMAN (in Cantonese): Mr LEUNG, which amendment are you speaking on?

MR LEUNG KWOK-HUNG (in Cantonese): The amendment which seeks to reduce the estimated expenditure for his salary. As I have discussed it for several times, I do not want to repeat my arguments.

In the final analysis, he has to solve one of the most important problems — he has not discussed legislation on tenancies, but I will let go of him — the problem is about the waiting list on public rental housing (PRH). Today, there are more than 200 000 people on the waiting list, but only 20 000 PRH units are produced every year. How can the applicants on the waiting list be allocated PRH units in three years?

In fact, I do not ask him to solve the problem. Chairman, please do not misunderstand: "Since this problem cannot be resolved, you should not ask him to figure out the solution." What do I want him to do? If he cannot solve the problem, he should honestly tell me the truth instead of insisting that he can achieve the goal. He should not go against common sense. Given that there are more than 200 000 people on the waiting list while the annual production of PRH units is only 20 000, the applicants will not be allocated PRH units even after waiting for 10 years. If Anthony CHEUNG tells us the truth and says, "Sorry, the mission cannot be achieved at the moment", I will immediately accept his apology because the goal is really unattainable.

But now the problem is that Anthony CHEUNG continues to insist that the goal can be achieved. Whenever he comes to the Legislative Council, he said that applicants on the waiting list can select flats once every three years. What is the meaning of selecting flats once every three years? They want to be allocated flats in three years. Also, this is only an average number. Some people who have been waiting for seven years have not yet been allocated PRH units while some people have been allocated PRH units after waiting for two years. Number or average number is meaningless to the people. I do not expect Anthony CHEUNG to do any hat trick. I hope he can "tell everything he knows in an honest way". I think we all know what this means. It is an expression from the story of QIN Hui.

I hope Members will support my amendment to reduce the estimated expenditure for the salary of Anthony CHEUNG so that he will eat an "honest red bean bun".

Thank you.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, just now Mr LEUNG Kwok-hung said that I was unaware of the Kwu Tung incident relating to Secretary Paul CHAN. He said that Paul CHAN has turned a blind eye to the suicide of a resident. In my previous speeches, I have not mentioned this point. I thank Mr LEUNG Kwok-hung for reminding me. Now I can add "cold-blooded Paul" to my list ... altogether 13 nicknames for Paul CHAN.

Owing to time constraints, this may be my last chance to speak on Secretary Paul CHAN. I have got a most objective and scientific way to examine the achievement and performance of the Secretary. Here is a job description of the Directors of Bureaux published by the Government. There are a total of eight duties, which are well known to us. I will examine the duties one by one to determine whether ... In fact, this job description list, in which eight major duties are set out, can be used to assess the performance of Secretary Paul CHAN, Secretary Anthony CHEUNG or Secretary WONG Kam-sing.

First, about gauging public opinion and taking societal interests into account, could Secretary Paul CHAN gauge public opinion? Certainly, I think he has "fei4 lou2"³. In respect of the Northeast New Territories Development Plan, he was unable to grasp public sentiment. Among the submissions to the Town Planning Board, the number of submissions opposing the proposal is a five-digit figure, while the number of submissions in favour of the proposal is just a single-digit figure. He was unable to gauge public opinion. Worse still, he did not bother to create public opinion, that is, to arrange some "LEUNG Fan" to submit an equal number of submissions ... he did not even arrange a comparatively presentable number of submissions, let alone an equal number. People doubted whether he did not even bother to fake. Now, there is a five-digit number of submissions against the proposal *vis-à-vis* a single-digit

³ "fei4 lou2" is the Cantonese transliteration of "fail" or "failed".

number of submissions in favour of it. But he did not follow the rules. He applied for funding for carrying out preliminary works from the Finance Committee of the Legislative Council before the Town Planning procedures had been finalized. He has utterly "fei4 lou2" in gauging public opinion and responding to the needs of society.

Second, to set policy objectives and goals, and develop, formulate and shape policies. Third, to take part as a member of the Executive Council and assist the Chief Executive in decision making. Fourth, to secure the support of the community and Legislative Council for their policy and legislative initiatives as well as proposals relating to fees and charges and public expenditure. In the Committee stage of the Appropriation Bill, I did not see Paul CHAN come here to fight for our support or argue that their estimated expenditure should not be reduced. Although he is aware that we have proposed a lot of amendments, he could not care less. Neither the Under Secretary nor Political Assistants come to the Legislative Council in order to understand why we bear such a grudge against the Bureau that we want to slash their estimated expenditure. No, they did not. So, for the fourth point, he has also "fei4 lou2". Fifth, to attend full sessions of Legislative Council to initiate bills or motions, respond to motions and answer questions from Legislative Council Members. In response ...

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): I think Mr CHAN's remark is incorrect because he always mentioned "fei4 lou2". In fact, he should have said "failed".

MR CHAN CHI-CHUEN (in Cantonese): This is not a point of order.

CHAIRMAN (in Cantonese): Mr LEUNG, you are in breach of the Rules of Procedure. Please sit down.

MR CHAN CHI-CHUEN (in Cantonese): He is right. I should not say "fei4 lou2". Just now, I mentioned the fifth point, that is, to attend full sessions of Legislative Council, including giving response to questions from Legislative Council Members. However, when Secretary Paul CHAN attended the oral question time, which reply he gave to a question was found satisfactory by Members? None. It is also a failure.

Next, I will talk about objective judgments rather than subjective ones. Sixth, to attend Legislative Council committee, subcommittee and panel meetings where major policy issues are involved. Is "Uncle Fat" here? He has left. May I ask how long Secretary Paul CHAN has not attended meetings of the Panel on Development of the Legislative Council? When did he attend the meeting last time? How many times he has been absent? Has Paul CHAN attended the meetings of the Public Works Subcommittee or Finance Committee? When funding is now being fought for the most controversial Northeast New Territories Development Plan, where is he?

Seventh, to exercise the statutory functions vested in them by law. It is not necessary to give the score on this point. Next, the eighth point, to oversee the delivery of services by the executive departments under their purview and ensure the effective implementation and successful outcome of policies. In our eight hours of discussion today ... I have spent a lot of time on discussing the poor performance of the Buildings Department. This can prove that Secretary Paul CHAN has also failed in overseeing the delivery of services by the executive departments under his purview as stipulated in the eighth point. Therefore, Members should definitely support Amendment Nos 630 and 631 to cut the annual salary of Secretary Paul CHAN.

The last point I just mentioned ... colleagues from the Federation of Trade Unions (FTU) are now present ... Secretary Paul CHAN has proposed or supported the Supplementary Labour Scheme (SLS). He said that technical workers should be imported in a timely manner. But the problem is: His argument has failed to reflect the reality of society. Regarding the importation of foreign labour, at least the two workers' organizations in Hong Kong, including the Confederation of Trade Unions and the FTU, oppose it. In fact, in recent years, employers in the construction industry have always complained about the difficulty in recruiting workers. But the cause of the manpower shortage is not ... it is not necessarily related to manpower shortage. One of the reasons may be related to returns.

According to the Census and Statistics Department, if the real wage index is higher than the index of 100 in the first quarter of 1999, which is taken as the base year, it implies an increase in wages. On the contrary, it implies a negative growth in wages and the vacancies in the relevant industry will rise. In contrast, the higher the wage index, the lower the vacancy rate will be. But if the wages remain at the same level while the job market is booming, workers will certainly prefer to join the industries which offer better pays. The construction industry is one of the industries which suffer the most. According to the unemployment figures for the third quarter of last year, although the overall unemployment rate was only 3.3%, the unemployment rate in the construction industry was as high as 5.6%, which ranked top among all industries. Data of the Census and Statistics Department show that the latest number of unemployed workers in the construction industry is about 82 500 while the number of vacancies is only 1 025.

According to the Construction Workers Registration Authority, there were more than 322 000 registered workers as of last Sunday. The number of workers has been rising steadily in recent years, representing a significant increase of 25% when compared with that in 2007. This is attributed to the policy of the authorities because the Development Bureau implemented the Enhanced Construction Manpower Training Scheme with the purpose of training local workers in 2010 by using the \$100 million funding granted by the Legislative Council. In April 2012, it applied to the Legislative Council for an extra funding of \$220 million for enhancing the relevant training. It is expected that more than 6 000 workers will be nurtured as new blood to the industry upon completion of the Scheme by the end of this year.

What did Secretary Paul CHAN say in his blog? He reiterated that it was expected that the Scheme would be a success. In January last year, he repeatedly emphasized in the Legislative Council that he was confident that the policy could meet the manpower needs of the industry in the coming years. Why did he overthrow his own assurance in just one year's time? In fact, Secretary Paul CHAN pointed out that we should make good use of the existing SLS and import skilled workers in a timely manner so as to address a surge in manpower demand in the near term. His remark is obviously inconsistent with the Government's policy a few years ago. According to the data of the Labour Department, the purpose of the SLS is to address the shortage of low-skilled workers in local market through limited importation of technical workers or semi-skilled workers. In other words, the SLS seeks to import low-skilled

workers only, instead of workers with certain level of skills as mentioned by Paul CHAN. We can see that the words of Secretary Paul CHAN are filled with inconsistencies and contradictions. He is unfamiliar with the policy. Worse still, his policy logic is confusing. Certainly, his greatest sin is to pave the way or give the green light for the importation of foreign labour.

The notion that there is an urgent need in importing foreign labour on the pretext of a building spree for residential housing and infrastructure development in the future is utterly unacceptable. I believe it is also unacceptable to the public and wage earners. As we all know, large-scale housing projects will last for three to five years, or even eight or ten years rather than a couple of months. That being the case, we have enough time to continue to enhance training, the effectiveness of which will be more desirable than importation of workers. The importation of workers is like a "piecemeal approach" or a temporary solution. The importation of workers is only a short-term measure to address manpower needs.

In summary, Secretary Paul CHAN is nicknamed "water wasting Paul", "land hoarding Paul", "keyboard Paul", "low IQ Paul", "land-grabbing Paul", "pork-barrel Paul", "fanatical Paul", "ridiculous Paul", "Kong land Paul", "archeological Paul" and "cold-blooded Paul", in addition to "drink-drive Paul" and "sub-divided units Paul", totalling 13 nicknames for him. I hope Member will support the amendments.

In the remaining time, I still have to discuss the issue about Energizing Kowloon East. I will support Amendment Nos 1010 and 1011 proposed by Mr Albert CHAN, which seek to reduce an amount roughly equivalent to the annual estimated expenditure for the Development Bureau (Works Branch) on Energizing Kowloon East, and the annual estimated expenditure for the individual remunerations of staff members for Energizing Kowloon East. I just want to add one more point which is totally new, that is, the funding application by the Government for the monorail system in Kowloon East. At present, the media and the public are very much worried about the monorail system as it is doubted whether it will become a replica of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. In other words, although money has been spent, the patronizing rate is low, thereby resulting in a financial loss. In this case, the battlefield will return to the Finance Committee.

I hope the Government will not put the blame on Members who resort to filibustering by asking questions and proposing amendments. The crux of problem lies in the fact that in the face of some issues on which consensus cannot be forged or there is a consensus in society that these issues should be opposed, the Development Bureau of the Government insists on applying for funds from the Legislative Council. And Members are requested to sign the cheque. The funding is solely for conducting a study. The Government has decided to spend \$92 million on the study of a green transport link for Kowloon East, the cost of which was estimated to be \$12 billion in 2010. Due to inflation, the actual market cost remains uncertain. The authorities are unable to provide any exact figure, but fund application for the study has been submitted. Why does the Government insist on conducting a study on a project which is opposed by all Hong Kong people? Certainly, it is not necessary to conduct the study if I can veto the Energizing Kowloon East project. If the amendments we are discussing now can be passed in these couple of days, this public works project would not be submitted to the Panel on Development next week. The authorities said that Members should not be worried even though the estimated figure remains unavailable. But the problem is: Will the expenditure overrun repeat that of the Guangzhou-Shenzhen-Hong Kong Express Rail Link? The Development Bureau said that we need not worry because the system would be built in 2017 when the peak of construction period has come to an end. In other words, the period from 2013 to 2016 is the peak of construction, and 2017 is no longer the peak. As it is not the peak, the expenditure will not overrun. So, Members need not worry about it.

In fact, when the planning of Kai Tak was undertaken by the Government a decade ago, a study on the so-called green transport link for Kowloon East had been conducted. Now, funding is applied for a study again. The Government has conducted similar study time and again. This time around, the study is a more detailed one. It is a detailed feasibility study and preliminary site investigation, just like the one for the Northeast New Territories Development Plan, for which funding for preliminary site investigation is being applied. However, please take a look at the examples of foreign countries with peeled eyes. In Kuala Lumpur, the monorail system was commissioned in 2003 and built by a private company at a cost of HK\$3 billion. Due to financial loss, the company finally went bankrupt in 2007 with the monorail system being handed over to the Government. Take a look at the 1988 Sydney monorail system, which is often mentioned. It provides services within a very small area from the

Darling Harbour to the commercial centre with a daily capacity of only 6 000 people, which is far fewer than the buses' daily capacity of 520 000 passengers. Furthermore, the railway columns and tracks are said to be eyesores in the street. Finally, the service was suspended last year. Now, the local government is pondering whether the monorail system should be dismantled. Should such a tragedy recur in Hong Kong? Are humans unable to learn from history? Are we Hong Kong people wiser than the others? Other countries repented years ago the construction of such a facility which has led to a mess now. What should we do now? Just now, I said that the estimated cost in 2010 was \$12 billion but it has not been reviewed thereafter.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): As the joint debate has lasted for about eight hours, it comes to a close. I now suspend the meeting.

I would like to remind Members that the Chief Executive's Question and Answer Session will be held from 9.15 am to 10.45 am tomorrow. The Council will resume at 2.30 pm and proceed to the fifth joint debate.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, point of order. Why do we not have the time to make concluding remarks in this joint debate?

CHAIRMAN (in Cantonese): Mr CHAN, if you have noticed, at about 9.30 pm, I asked public officers whether they would speak. In accordance with the usual practice, if public officers will speak, I will allow Members who have proposed the amendments to respond once after the public officers have spoken. But as public officers expressed that they would not speak, I then said that Members would be allowed to speak in the remaining time. Mr CHAN, you have spoken more than once and I think Members have sufficient time to speak.

SUSPENSION OF MEETING

CHAIRMAN (in Cantonese): I now suspend the meeting.

Suspended accordingly at two minutes to Eleven o'clock.