

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 9 July 2014

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

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

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

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

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

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

THE HONOURABLE 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, J.P.

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.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG KWOK-KIN, S.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 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, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

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, S.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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, S.B.S., J.P.

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

THE HONOURABLE TANG KA-PIU, J.P.

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

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

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

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

MEMBERS ABSENT:

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

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

THE HONOURABLE CHUNG KWOK-PAN

PUBLIC OFFICERS ATTENDING:

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

THE FINANCIAL SECRETARY

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

THE SECRETARY FOR JUSTICE

PROF THE HONOURABLE ANTHONY CHEUNG BING-LEUNG, G.B.S.,
J.P.

SECRETARY FOR TRANSPORT AND HOUSING

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

SECRETARY FOR LABOUR AND WELFARE

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 EDDIE NG HAK-KIM, S.B.S., J.P.

SECRETARY FOR EDUCATION

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.

SECRETARY FOR FOOD AND HEALTH

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

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

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

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

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

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>
Fire Service (Installation Contractors) (Amendment) Regulation 2014.....	103/2014
Fire Services Department (Reports and Certificates) (Amendment) Regulation 2014	104/2014
Dangerous Goods (General) (Amendment) Regulation 2014	105/2014
Timber Stores (Amendment) Regulation 2014	106/2014
Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2014	107/2014
Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2014.....	108/2014
Declaration of Markets (Amendment) Notice 2014	109/2014
Public Health and Municipal Services Ordinance (Public Markets) (Amendment of Tenth Schedule) Order 2014	110/2014

Other Papers

- No. 119 — Hong Kong Deposit Protection Board
Annual Report 2013-2014
- No. 120 — Sir Robert Black Trust Fund
Report of the Trustee on the Administration of the Fund
for the year ended 31 March 2014
- No. 121 — J.E. Joseph Trust Fund Report
for the period 1 April 2013 to 31 March 2014
- No. 122 — Kadoorie Agricultural Aid Loan Fund Report
for the period 1 April 2013 to 31 March 2014
- No. 123 — Clothing Industry Training Authority
Annual Report 2013
- No. 124 — Report of the Public Accounts Committee on Report No. 62
of the Director of Audit on the Results of Value for
Money Audits (July 2014 — P.A.C. Report No. 62)
- Report of the Finance Committee on the examination of the Estimates
of Expenditure 2014-2015
- Committee on Rules of Procedure Progress Report for the period October 2013
to June 2014
- Report No. 22/13-14 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments
- Report of the Bills Committee on Shipping Legislation (Control of Smoke
Emission) (Amendment) Bill 2014
- Report of the Bills Committee on Stamp Duty (Amendment) Bill 2013
- Report of the Bills Committee on Marriage (Amendment) Bill 2014
- Report of the Panel on Development 2013-2014

Report of the Panel on Manpower 2013-2014

Report of the Panel on Welfare Services 2013-2014

Report of the Panel on Information Technology and Broadcasting
2013-2014

Report of the Panel on Financial Affairs 2013-2014

Report of the Panel on Health Services 2013-2014

Report of the Panel on Commerce and Industry 2013-2014

Report of the Panel on Food Safety and Environmental Hygiene
2013-2014

Report of the Panel on Transport 2013-2014

Report of the Panel on Housing 2013-2014

Report of the Panel on Environmental Affairs 2013-2014

Report of the Panel on Administration of Justice and Legal Services
2013-2014

Report of the Panel on Education 2013-2014

Report of the Panel on Economic Development 2013-2014

Report of the Panel on Public Service 2013-2014

Report of the Legislative Council Select Committee to Inquire into Matters
Relating to Mr Timothy TONG's Duty Visits, Entertainment, and
Bestowing and Receipt of Gifts during his Tenure as Commissioner of the
Independent Commission Against Corruption

Report on Matters Relating to Mr Timothy TONG's Duty Visits,
Entertainment, and Bestowing and Receipt of Gifts during his Tenure as
Commissioner of the Independent Commission Against Corruption

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Abraham SHEK will address the Council on Public Accounts Committee Report No. 62.

Report of the Public Accounts Committee on Report No. 62 of the Director of Audit on the Results of Value for Money Audits (July 2014 — P.A.C. Report No. 62)

MR ABRAHAM SHEK: President, on behalf of the Public Accounts Committee (the Committee), I have the honour to table our Report No. 62.

The Committee has, as in the past, decided to hold hearings on those chapters covered by the Director of Audit's Report No. 62 which, in our views, contained more serious allegations of irregularities or shortcomings. The Committee's Report tabled today covers our conclusions and recommendations on three of the eight chapters selected.

I now succinctly report the conclusions and recommendations on the three chapters covered in our Report No. 62.

First, I would like to speak on the operation of the Mega Events Fund (MEF). The Committee expresses grave dismay and finds it inexcusable that the Commerce and Economic Development Bureau and the Tourism Commission of the bureau failed to ensure the compliance of the terms and conditions in the MEF funding agreements in areas such as the procurement of equipment and services, the return of surpluses to the Government, seeking the prior written consent of the Mega Events Fund Assessment Committee (the Assessment Committee) and the Permanent Secretary for Commerce and Economic Development (Commerce, Industry and Tourism) if there is any material change to any information provided in the funding agreement, and the keeping of books and records, as a result of which a number of irregularities and suspected irregularities were identified by the Audit Commission in the MEF-supported events.

The Committee expresses grave dismay and finds it inexcusable that the Commerce and Economic Development Bureau failed to carry out its avowed intention to inject new blood into the Assessment Committee in that the Chairman

of the Assessment Committee, Mr Jeffrey LAM, has taken up the office since the inception of the MEF in 2009 and only one of the seven non-official members is a new member. The Committee considers such stagnation in the membership of the Assessment Committee might not be conducive to the identification of new events, as evidenced by the facts that only six of the 24 approved events held thus far were brand new events and no Tier 1 events have been held even though the two-tier MEF has been implemented since May 2012.

The Committee further expresses grave dismay and finds it inexcusable that the Mega Events Funds Secretariat, with only six staff members all without an accounting background and all having other duties, failed to provide sufficient support to the Assessment Committee for carrying out its remit in an effective manner. In particular, only after the publication of the Director of Audit's Report did the Commerce and Economic Development Bureau and the Tourism Commission see the need to deploy staff with accounting knowledge to ensure that MEF funding would not be wasted.

To ensure MEF funding is used in a proper and effective manner, the Committee urges the Commerce and Economic Development Bureau and the Tourism Commission to expeditiously implement the audit recommendations and other improvement measures as set out in our Committee's Report.

President, the second subject I will briefly report is the Committee's concern about the planning, construction and redevelopment of public rental housing (PRH). The Committee affirms that as providing PRH flats to low-income families and individuals is one of the most effective means of alleviating poverty and having regard to the long queue for PRH, it is incumbent upon the Hong Kong Housing Authority (HA) and the Housing Department (HD) to maintain the average waiting time target of around three years for general applicants on the Waiting List, despite a higher production target of 200 000 PRH units for the next 10 years from 2013-2014 to 2022-2023.

The Committee expresses grave concern that the housing problem of the under privileged had not been adequately addressed as it should have been due to the failures of the HA and the HD to secure sufficient land for PRH development, maximize the rational utilization of PRH resources, effectively tackle abuse of and ensure a steady supply of PRH flats.

To ensure a steady supply of PRH flats so as to maintain the average waiting time for general PRH applicants at three years, the Committee urges the Government not to repeat its wavering housing policy by taking away 24 sites reserved for PRH development for other uses during the period from 2001 to 2013. The Committee expects that the HA and the HD will continue to do their utmost to expedite the construction process without compromising quality and site safety.

President, third, I will briefly report on the Committee's deliberations on promoting the development of social enterprises. The Committee considers that public money spent on social enterprises could and should have been more effective in addressing social problems had the Home Affairs Bureau and its executive arm, the Home Affairs Department (HAD), looked at social enterprises not merely as welfare businesses or welfare undertakings. To enable Hong Kong to reap the full benefits of social enterprises, the Committee considers that it is high time for the Home Affairs Bureau and the HAD to adopt a sea change in promoting social enterprises as businesses with social or environmental missions.

The Committee notes the commitments made by the Home Affairs Bureau and the HAD in promoting the development of social enterprises and the vision of the Secretary for Home Affairs for Hong Kong to become a place conducive to nurturing social entrepreneurship and innovation.

The Committee awaits with keen interest the findings and recommendations of the research study commissioned by the Home Affairs Bureau to provide up-to-date reference for considering the work required in the development of social enterprises, which are expected to become available before the end of 2014, and the follow-up actions that would be taken by the Home Affairs Bureau and the HAD to promote the development of social enterprises in a more effective and proactive manner.

Lastly, I wish to record my appreciation of the contributions made by members of the Committee. Our gratitude also goes to the witnesses who attended the hearings held by the Committee. I would also like to express our gratitude to the Director of Audit and his colleagues for their unfailing support, and, last but not least, to the Legislative Council Secretariat.

Thank you.

PRESIDENT (in Cantonese): Mr NG Leung-sing will address the Council on the Report of the Finance Committee on the examination of the Estimates of Expenditure 2014-2015.

Report of the Finance Committee on the examination of the Estimates of Expenditure 2014-2015

MR NG LEUNG-SING (in Cantonese): President, in accordance with Rule 71(11) of the Rules of Procedure, the Estimates of Expenditure 2014-2015 were referred to the Finance Committee at the Council meeting on 26 February 2014. On behalf of the Finance Committee, I now submit its report on the examination of the Estimates of Expenditure (the Estimates).

For the purpose of examining the Administration's Estimates 2014-2015, the Finance Committee held 20 sessions of special meetings from 31 March to 4 April this year to discuss the relevant issues. The aim of the Finance Committee in examining the Estimates is to ensure that the authorities are seeking a provision no more than is necessary for the execution of the policies approved.

As in the past, to ensure that Members could obtain more detailed information about the proposals in the Estimates prior to the special meetings so that they could use the time of these meetings more effectively, Members were requested to submit written questions for written replies to be tabled by the Administration before the special meetings. The Administration provided replies to a total of 6 660 preliminary questions which were compliant with the Rules of Procedure, and they were forwarded to the Administration for replies. The Administration submitted replies to 3 300 preliminary questions before the special meetings, and the replies to the remaining 3 360 preliminary questions and 232 supplementary questions were submitted before the third special meeting. The questions of Members and the replies of the Administration have been uploaded onto the website of the Legislative Council.

At the special meetings, Members raised questions on various policy areas and expressed concerns and views on measures closely related to people's livelihood in the Budget and Estimates. The procedures and deliberations of the special meetings are set out in the report, and I am not going to repeat them now.

The Administration expressed concern about the substantial increase in the number of written questions submitted in the special meetings of the Finance Committee. Therefore, the Administration has requested the Finance Committee to streamline the relevant arrangements. For example, the number of questions submitted in special meetings may be subject to a limit. I have sought Members' views on the Administration's request. Members' preliminary opinion is that the Finance Committee's function of scrutinizing the Government may be undermined by the Administration's recommendation. The Finance Committee will further negotiate with the Government for the purpose of formulating suitable and reasonable arrangements which can ensure adequate opportunities for Members to raise questions with regard to the Estimates and to allow the Administration to address Members' questions in a more effective manner.

The Appropriation Bill 2014 was passed at the meeting of the Legislative Council on 4 June. Following this, the Finance Committee will examine various new measures and appropriation requests submitted by the authorities according to the Budget.

President, I am most grateful to Members for their enthusiastic participation in the examination of the Estimates, and here I would like to extend my gratitude to the staff of the Financial Services and the Treasury Bureau and the Legislative Council Secretariat for their unfailing support.

President, I so submit.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung will address the Council on the Committee on Rules of Procedure Progress Report for the period October 2013 to June 2014.

Committee on Rules of Procedure Progress Report for the period October 2013 to June 2014

MR TAM YIU-CHUNG (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure (the Committee), I submit to this Council the progress report of the Committee during this Session. I will also highlight several items of important work of the Committee.

First, the Committee has reviewed the practice that Members may move amendments to amendments (AAs) to motions not intended to have legislative effect. After having consulted all Members, the Committee proposes that the practice of allowing moving AAs to such motions be discontinued and Rule 17 of the House Rules be amended accordingly. The House Committee endorsed the proposal. The new arrangement has taken effect since the Council meeting of 19 February 2014.

In response to the President's request, the Committee has reviewed the practice of displaying objects by Members during Council meetings. Members expressed divergent views on the matter. Some members preferred maintaining the *status quo*, while some other members supported adopting the arrangement that Members should stow away the displayed objects after speaking. There was also a suggestion that the President should take a more vigilant approach in handling relevant situations in future. The views have been conveyed to the President for his consideration.

During this Session, the Committee continued to study the Rules of Procedure relating to amendments to the bills and speaking in Committee of the whole Council to deal with filibusters. The President proposed four procedural options to deal with filibusters when meeting with members of the Committee in February this year. The Committee has subsequently repeatedly discussed these options. The Committee also notes that Members of different political parties/groupings have divergent views on these procedural options.

To facilitate the Committee's further study on this matter, the Legislative Council Secretariat has presented to the Committee a proposed procedure for allocation of time to debates at the Committee stage of a bill, which is drawn up by combining the two procedural options of "closure of debates" and "timetabling of debates" proposed by the President. The Secretariat has also provided further information on the two procedural options proposed by the President to deal with a series of amendments. The Committee conducted a consultation exercise in June this year to collect the views of all Members of the three proposals.

According to findings of the consultation, the three proposals cannot obtain the support of an overwhelming majority of Members. However, some Members consider it not appropriate to draw any conclusion at this stage, as the

Court of Final Appeal will hear the appeal against the Court of Appeal's decision on the judicial review case regarding the decision of the President to close the debate at the Committee stage of the Legislative Council (Amendment) Bill 2012. In view of this, Members agreed that the matter be discussed after promulgation of the relevant ruling by the Court of Final Appeal.

There is no provision under the Rules of Procedure dealing with repeated grossly disorderly conduct of Members at Council meetings. After deliberations at a number of meetings, the Committee of the previous-term Legislative Council decided in June 2012 to take forward the then proposal of Mr IP Kwok-him, under which a Member who has been ordered a second time during the same term under Rule 45(2) of the Rules of Procedure to withdraw from a Council meeting is prohibited from attending the following Council meeting if a motion to sanction such is passed by the Council.

Noting that since the commencement of the current-term Legislative Council, there has been a number of incidents involving a few Members being ordered by the President to withdraw immediately from the Council for the remainder of the relevant meetings due to their grossly disorderly conduct (including the throwing of objects at the Chief Executive and public officers) at those meetings, the Committee has decided that a consultation with all Members on the subject should be conducted, and the proposed procedure drawn up by the Legislative Council Secretariat based on Mr IP Kwok-him's proposal mentioned above should form the basis for the consultation. The consultation has been completed. The results of the consultation show that these proposals cannot obtain the support of an overwhelming majority of Members. Therefore, the Committee will not follow up the proposals at this stage.

Lastly, I would like to take this opportunity to thank Members for their support and valuable opinions for the work of the Committee.

Thank you, President.

PRESIDENT (in Cantonese): Dr LAU Wong-fat will address the Council on the Report of the Panel on Development 2013-2014.

Report of the Panel on Development 2013-2014

DR LAU WONG-FAT (in Cantonese): President, in my capacity as Chairman of the Panel on Development (the Panel), I submit to the Legislative Council the report of the Panel for the 2013-2014 Session. I will highlight several major areas of work of the Panel.

One of the major focuses of the Panel's discussion this year was still the problem of housing land supply. The Administration briefed the Panel on a series of short-, medium- and long-term measures relating to housing land supply. Members stressed that in developing land for housing, the Administration must fully consult the local residents and other stakeholders in respect of any plans to change land use or increase the density of residential development.

Regarding the Government's proposal on reclamation outside the Victoria Harbour and rock cavern development to increase land supply, the Panel had held discussions of the strategic studies on artificial islands in central waters, the planning and engineering study on the reclamation in Sunny Bay, as well as the relocation of sewage treatment works and service reservoirs to rock cavern. Members were concerned about the impact on the marine and land ecology and the livelihood of fishermen arising from the construction of artificial islands and reclamation and the uses of the new land.

The Administration reported to the Panel the progress of a number of land development projects or sought support for funding these projects. These projects included Anderson Road Quarry site development, Kwu Tung North and Fanling North New Development Area and Hung Shui Kiu New Development Area. Members expressed views and concerns on issues such as transport infrastructure and community facilities in the new development areas, impacts of the programme on local businesses, agricultural development and the lives of local residents, resettlement, and compensation.

Building safety was a major and long-standing concern of the Panel. During this Session, the Panel discussed the progress of the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme with the Administration. The Authorities reported a delay in progress in these two schemes due to a large backlog of work since the implementation of the two schemes from early June 2012 onwards. Members supported the

Administration's proposal to reduce the number of target buildings to be inspected annually and suggested that the Administration conduct studies on streamlining the work procedures.

In this Session, the Panel held meetings with the Administration on three occasions to discuss the problem of increase in project costs associated with site formation and infrastructure works of the Liantang/Heung Yuen Wai Boundary Control Point. Given the serious costs overrun, Members questioned whether the Administration's initial costs estimation of the project was erroneous, whether the extra costs were caused by unfamiliarity with geotechnical conditions, and whether the responsibilities should be borne by the Government or the relevant engineering consultancy.

The Panel was extremely concerned about the cost overruns associated with Public Works Programme under several Capital Works Programmes last year. The Administration briefed the Panel on the major challenges presented by delivering Capital Works Programmes and the measures taken to respond to these challenges. Members expressed views and concerns about the bunching of infrastructure projects over recent years, the tightened construction labour situation and additional risk premiums placed by contractors in their bids.

As details of the work of the Panel in other areas are already set out in the report, I will not give a detailed account here.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan will address to the Council on the Report of the Panel on Manpower 2013-2014.

Report of the Panel on Manpower 2013-2014

MR LEE CHEUK-YAN (in Cantonese): President, in my capacity as Chairman of the Panel on Manpower (the Panel), I submit to the Legislative Council the report of the Panel for this Session. During this Session, the Panel held a total of 12 meetings, as well as one joint meeting with the Panel on Welfare Services and one joint meeting with the Panel on Financial Affairs. The Panel will have

another regular meeting in July. As the work of the Panel has already been detailed in the report, I will only highlight several major areas of work of the Panel here.

Since the implementation of the statutory minimum wage (SMW), the Panel has all along been concerned about the proposed revised SMW rate. Noting that the Minimum Wage Commission would recommend to the Chief Executive in Council before October 2014 the next SMW rate, members expressed various views on the revised SMW rate. Some members considered that the next SMW rate should be adjusted upward to \$35 to \$39 per hour. Also, the SMW rate should be reviewed annually so as to ensure that the employees' purchasing power would not be eroded by inflation. However, other members also pointed out that the implementation of the SMW had narrowed the wage gap among various industries, especially in the small and medium enterprises (SMEs) and the catering business. These industries are facing severe manpower shortage and operation difficulties. Therefore, there was little room for an upward adjustment of the SMW rate.

Besides, the Panel was also very concerned about the progress of legislating for standard working hours. Most members expressed grave concern as to whether the Administration could complete the relevant legislative process within the term of the Fifth Legislative Council and the tenure of the current Government. They urged the Administration to expedite the introduction of the legislative proposal on standard working hours by compressing the work schedule. However, some members considered that as the subject of working hours policy involved a wide range of complex issues, the Administration should examine it carefully.

President, in response to the consultation paper on population policy entitled "Thoughts for Hong Kong" released by the Steering Committee on Population Policy in October 2013, the Panel also discussed how to unleash potential labour force to tackle the demographic challenges arising from the ageing population and the lowering of labour force participation rate. In relation to encouraging economically inactive females to rejoin the labour force, members urged the Administration to enhance the provision of comprehensive subsidized child care services and after-school care services. Members also suggested that the Administration should enhance the employment protection and benefits of those female employees who were not engaged under a continuous contract. Some members pointed out that many early retirees would be able to rejoin the

labour force if the Administration could just address the skills mismatch problem, provide the middle-aged job seekers appropriate training and retraining and enhance employment services and support for the middle-aged job seekers.

Regarding the policies relating to foreign domestic helpers, members noted with concern that some foreign domestic helpers had incurred huge debts because of the high level of fees charged by employment agencies. Apart from tackling the issue at source, members maintained the view that the Administration should strengthen the regulation of local employment agencies. The Administration indicated that it was working with the Department of Justice on the proposal of introducing additional licensing conditions for employment agencies placing foreign domestic helpers and it would revert to the Panel on the matter in one year's time.

President, I so submit.

PRESIDENT (in Cantonese): Miss CHAN Yuen-han will address the Council on the Report of the Panel on Welfare Services 2013-2014.

Report of the Panel on Welfare Services 2013-2014

MISS CHAN YUEN-HAN (in Cantonese): In my capacity as Chairman of the Panel on Welfare Services, I now submit the report on the work of the Panel in 2013-2014.

The Panel held a total of 15 meetings in this Session. As the work of the Panel is already set out in detail in the report, I will only highlight the work of the Panel in a number of aspects.

The Panel was briefed on the progress of the study on retirement protection conducted by a consultancy team under Prof Nelson CHOW's leadership. As the community had high expectation that the current-term Government would introduce a retirement protection scheme, members called on the Administration to draw up a concrete plan and implementation timetable, including the period for public consultation, to follow up the final report of the Study. In this connection, the Panel's Subcommittee on Retirement Protection had started to study the related issues in detail.

Members also noted that the existing private residential care homes for the elderly (RCHEs) at the Dills Corner Garden would need to be vacated and cleared in 2018 according to the current implementation programme of the Kwu Tung North New Development Area. The Panel was gravely concerned about these RCHEs and their residents. Members have visited these RCHEs and discussed the rehousing arrangement with the Administration as well as the residents and operators of these RCHEs. The Panel also followed up the matter in its meeting afterwards. The Panel passed a motion with eight votes in favour of it, two votes against it and two abstentions that the RCHEs at the Dills Corner Garden should be preserved and re-planned on the principle of "no removal and no demolition" under the North East New Territories New Development Areas Project, so that the elderly people could enjoy a peaceful life in their twilight years.

The Panel also noted that the Administration proposed to conduct a single contract bidding exercise to provide for the 5 600 existing Enhanced Home and Community Care Services places and the additional 1 500 new places. Members also called on the Administration to continue the provision of the 5 600 places to the existing service operators. The Administration was also requested to allocate the additional 1 500 places according to the existing mechanism. As regards the allocation arrangement in future, the Panel called on the Administration to change the current contract bidding mode by incorporating all 7 100 existing and additional places into the Lump Sum Grant Subvention System.

The Panel discussed with the Family Council its work progress. According to the results of the Family Survey conducted by the Family Council, quite a number of parent-respondents found the stress of raising their children overwhelming. Given the recent incidents of domestic violence (particularly a tragedy involving a mother alleged of suffering from postpartum depression), members were gravely concerned about the inadequate support to women, particularly those suffering from postpartum depression. The Panel decided to hold a special meeting to discuss with the Administration and receive deputations' views on the services and policies relating to family support. The subject matter would also be followed up by the Subcommittee on Strategy and Measures to Tackle Domestic Violence, which would be activated shortly.

Lastly, I wish to take this opportunity to thank members for taking part in the work of the Panel over the past year and the large number of deputations for giving their valuable advice on welfare issues in the Panel meetings. I would also like to thank the Secretariat for its assistance.

Thank you.

PRESIDENT (in Cantonese): Mr WONG Yuk-man will address the Council on the Report of the Panel on Information Technology and Broadcasting 2013-2014.

Report of the Panel on Information Technology and Broadcasting 2013-2014

MR WONG YUK-MAN (in Cantonese): President, in my capacity as Chairman of the Panel on Information Technology and Broadcasting (the Panel), I now submit the report of the Panel for the current Session, and highlight several major items of work of the Panel.

The Panel has followed up the funding proposal for the development of the new Broadcasting House (BH) of Radio Television Hong Kong. While the Panel supported in principle the proposed construction of the new BH, some members expressed concern about the substantial increase in the estimated cost of the project from \$1.6 billion to \$6.556 billion. Therefore, it is of the view that the Administration should reduce the required floor area of the new BH to lower the construction cost. Regarding the proposal to extend the post of Deputy Director of Broadcasting, the majority of Panel members supported it in principle. However, some members considered that the post should be filled by a technical expert who possessed the relevant knowledge in related fields. Moreover, the majority of Panel members supported in principle the Administration's proposal to establish 22 digital terrestrial television (DTT) fill-in stations. Some members urged the Administration to step up measures to improve the DTT take-up rate.

The Panel followed up closely the progress of the Administration's processing of the applications for domestic free television programme service licences. As the recommendation of the former Broadcasting Authority to grant free TV licences to the three applicants was not adopted by the Chief Executive in Council and rather, the gradual and orderly approach was adopted in granting two

of the applications, some Panel members considered that procedural justice had been compromised and it was also contradictory to the stated policy of introducing more competition to the free TV market. A number of members moved a motion jointly to demand invoking the Legislative Council (Powers and Privileges) Ordinance to empower the Panel to investigate the incident but the motion was not passed.

In addition, the Panel met with members of the public to receive views on the application for the renewal of the free television licences of Asia Television Limited (ATV) and Television Broadcasts Limited (TVB). Members noted that the majority of the deputations attending the meeting expressed concern about the poor quality of the programmes broadcast by the two licensees, and the frequent re-run of programmes by ATV, as well as the low audience rate sustained by ATV. Some members were of the view that requirements for local productions should be applied to the two licensees when the Communications Authority (CA) considered their renewal applications, so as to widen programming choice for the audience. Other members considered that competition should also be introduced in the free market by putting up the television spectrum to auction. The Panel passed a motion to urge the Chief Executive in Council, before making a final decision on the renewal of the licences of ATV and TVB, to prudently consider the professional integrity and conduct of the licensees, including whether they had in any manner abused the use of television spectrum and public resources for private purposes.

Regarding the arrangements for the frequency spectrum in the 1.9-2.2 GHz Band upon expiry of the existing frequency assignments for 3G mobile services, members noted that the CA has decided to adopt a hybrid administratively-assigned cum market-based approach to re-assign the relevant 3G Spectrum. Some Panel members expressed concern about the mitigation measures to be undertaken by the mobile network operators to cope with any service degradation that might ensue from a reduction in the relevant 3G Spectrum holding.

Regarding the Administration's proposal to set up the Innovation and Technology Bureau (ITB), some members expressed support but some members expressed objection. The Panel further held a special meeting to receive views from relevant stakeholders. Most of the individuals attending the meeting expressed support. In relation to this, the Panel passed two motions urging the Government to establish the ITB as soon as possible.

The Panel has discussed the proposed Enriched IT Programme in Secondary Schools. While members supported in principle the proposal, some members opined that the Programme would promote elitism by branding the eight selected partner schools as elite IT schools. These members also opined that in order to provide equal opportunities for all schools, the scope of the Programme should cater for cross-district students and underprivileged students. The Administration assured members that it would review the performance of the Programme two years after its implementation, and would consider extending the Programme to other schools.

Regarding the establishment of a unified information and communications technology (ICT) professional recognition framework in Hong Kong, members expressed their support in principle. The Panel has also held a special meeting to receive views from relevant stakeholders on the proposed framework. Members noted that although the majority of the deputations attending supported the proposal, many questioned the need for the hasty implementation of and lack of details about the proposal. Noting that the Administration would conduct a two-month public consultation on the proposed framework from May to June 2014, the Panel passed a motion urging the Government to extend the consultation period to make way for a more comprehensive and extensive consultation exercise.

On the work of CreateHK, some Panel members considered that the Administration should carry out ongoing assessment of the effectiveness of the various initiatives of CreateHK in promoting the creative industry, and draw reference from overseas countries in their relevant experience. On nurturing talents, some Panel members opined that CreateHK should work with the Education Bureau in the design of the curriculum to better meet the needs of the creative industry of Hong Kong. Co-ordination should also be fostered among various organizations engaged in nurturing talents.

I would like to take this opportunity to thank members for their support for the work of the Panel and the Secretariat for its assistance.

President, I so submit.

PRESIDENT (in Cantonese): Ms Starry LEE will address the Council on the Report of the Panel on Financial Affairs 2013-2014.

Report of the Panel on Financial Affairs 2013-2014

MS STARRY LEE (in Cantonese): President, in my capacity as Chairman of the Panel on Financial Affairs, I now submit the Report on the work of the Panel in 2013-2014 and highlight several major areas of work of the Panel.

During the 2013-2014 Session, the Panel continued to provide a forum for Legislative Council Members to exchange views with the Financial Secretary on matters relating to Hong Kong's macro-economic situations. Members noted with concern the decline in Hong Kong's overall competitiveness as reflected by findings of some international surveys and they urged the Administration to step up measures to strengthen Hong Kong's competitiveness on various fronts, including promoting new economic sectors and supporting new industries, capitalizing on the development opportunities on the Mainland, and assisting the small and medium-sized enterprises (SMEs).

The Panel had great concern for the forecast of the Working Group on Long-term Fiscal Planning (the Working Group) that a structural deficit problem might surface in seven to 15 years' time. Members agreed that the Government should adopt a multiple-pronged approach to tackle the problem. However, members considered it a priority for the Government to promote economic development, including increasing capital investment, improving the business environment, identifying new revenue sources to broaden its revenue base, increasing land supply and making better use of the fiscal reserves, to tackle the problem. Concerning the Working Group's recommendation to establish a Future Fund, the Panel considered that the Administration must give details on the usage, management, and investment principles of the Fund.

Regarding the work of the Hong Kong Monetary Authority (HKMA), the Panel noted with concern the substantial loan growth in recent years, particularly loans for use outside Hong Kong and Mainland-related lending, as well as the impact on mortgage lending by the possible reversal of interest rate movement. Members stressed that the HKMA had to put in place appropriate measures to manage possible credit and liquidity risks in the banking system and the economy and minimize the potential interest rate shock on mortgage borrowers. On the development of Renminbi (RMB) business in Hong Kong, members hoped that the Administration would continue to take follow-up action by lobbying the Central Government to abolish the RMB daily conversion limit, so as to provide

convenience to the public, and enhance the liquidity of the offshore RMB market as soon as possible.

On the development of the securities and futures market, the Panel welcomes a pilot programme for the Shanghai-Hong Kong Stock Connect to establish mutual stock market access between Shanghai and Hong Kong, so as to reinforce and strengthen Hong Kong's position as a premier international financial centre and offshore RMB business centre. Members considered that both sides should work out the details, including the clearing and settlement arrangements and operation of the trading quota, clarify cross-boundary regulatory and law-enforcement issues and inform market participants and investors as soon as possible to enable them to make early preparation.

On the Mandatory Provident Fund (MPF) System, in view of divergent views from relevant stakeholders on whether the current arrangement allowing employers to offset severance payments and long service payments against MPF accrued benefits should be abolished, the Panel and the Panel on Manpower held a joint meeting to receive views from deputations and discuss with the Administration. In view of the widespread concern over this matter in society and the great difference in views between employees and employers, members in both Panels believe that the Administration had to examine and consider the relevant issues prudently.

President, the work of the Panel is set out in detail in the Report. President, I also wish to take this opportunity to thank members of the Panel for their participation and the full assistance provided by the Secretariat. I so submit.

PRESIDENT (in Cantonese): Mr Vincent FANG will address the Council on the Report of the Panel on Commerce and Industry 2013-2014.

Report of the Panel on Commerce and Industry 2013-2014

MR VINCENT FANG (in Cantonese): President, in my capacity as Chairman of the Panel on Commerce and Industry, I hereby submit the Report of the Panel for the year 2013-2014 and I will highlight the work of the Panel.

With respect to support measures for small and medium enterprises (SMEs), the Panel urges the Administration to monitor and review the

effectiveness of the Dedicated Fund on Branding, Upgrading and Domestic Sales to ensure fairness and transparency in the vetting and that it can really help Hong Kong enterprises in upgrading, branding and opening up domestic sales on the Mainland, hence bringing in concrete benefits to the Hong Kong economy.

On economic and trade co-operation between Hong Kong and Taiwan, Members urge that the authorities should continue to deepen co-operation and exchange with Taiwan in trade, investment, culture, tourism and professional services. Members suggest that the commissioning of the Kai Tak Cruise Terminal should be leveraged and step up co-operation with Taiwan tourism authorities in promoting cruise tourism. Members call for the promotion of mutual recognition of testing and certification results as well as promoting Hong Kong's services in the areas of arbitration, intellectual property, and so on, and to strive for the recognition of Hong Kong's legal qualifications.

The Panel supports the establishment of the Economic and Trade Office (ETO) in Wuhan and strengthening the network of ETOs on the Mainland. Members are keen to ensure that a mechanism and objective criteria are in place for determining the choice of the ETO location. Members suggest that the Government should increase resources and set up ETOs or branches and sub-offices of a smaller scale in ASEAN member nations and emerging markets.

On innovation and technology, the Panel supports the improvement measures of the Innovation and Technology Fund to waive the 10% industry sponsorship requirement and to raise the funding ceiling for Public Sector Trial Scheme projects from 30% to 50% of the actual cost. Members also welcome the new Enterprise Support Scheme to encourage more private sector investment in research and development (R&D). Members call on the Administration to set aside a certain percentage of the Innovation and Technology Fund to support R&D projects initiated by young entrepreneurs, open up the intellectual property rights held by local research institutions for use by the industry to facilitate the commercialization of the relevant technologies. Members also call on the Administration to consider formulating relevant policies and legislation to facilitate investments from angel investors, venture capitalist firms or crowdfunding. Besides, the Panel supports the establishment of the Innovation and Technology Bureau to spearhead the development of innovation and technology as well as co-ordinate the relevant efforts within the Government.

On R&D, the Panel suggests that the R&D Centres should further reach out and forge closer ties with the industry to raise awareness of their work, and to develop more demand-led and industry-driven R&D projects, promote technology upgrading or help enhance efficiency. The Administration is urged to provide more land resources and tax concessions to encourage R&D.

On R&D of Chinese medicines, members think that most of the proprietary Chinese medicines manufacturers are SMEs that are not ready for the implementation of the requirements under the Good Manufacturing Practice (GMP), hence it would not be appropriate to implement GMP on a mandatory basis. Members suggest that apart from allocation of funds to the Hong Kong Institute of Biotechnology to set up a GMP product development and technical support platform, more GMP hardware facilities should be set up to bring in competition and provide more choices for SME proprietary Chinese medicines manufacturers in procuring contract manufacturing services for their products. Members also call for a sound intellectual property protection system for traditional Chinese medicine to encourage R&D investment.

On the promotion of intellectual property trading, members urge the authorities to implement the Original Grant Patent system as soon as possible and a concrete two to five years' work plan should be drawn up to drive the promotion of Hong Kong as an intellectual property trading hub. Members call for additional resources to promote intellectual property arbitration and mediation to support the work in promoting Hong Kong as an innovation and technology hub in the region. The Panel also urges the Administration to update Hong Kong's copyright regime.

In addition, the Panel urges the Administration to step up its efforts to seek wider recognition of Hong Kong's testing and certification results in the international and regional arena, in particular the Mainland, and to strive for further expansion of the scope of testing services in future supplements to CEPA.

President, details of the work of the Panel are found in the written Report. I so submit.

PRESIDENT (in Cantonese): Dr LEUNG Ka-lau will address this Council on the Report of the Panel on Health Services 2013-2014.

Report of the Panel on Health Services 2013-2014

DR LEUNG KA-LAU (in Cantonese): President, in my capacity as Chairman of the Panel on Health Services, I now submit the Report of the Panel for this Legislative Session. During the Session, the Panel has held a total of 14 meetings and an additional regular meeting will be held this July. Since the work of the Panel has been set out in detail in the Report, I will only highlight a number of important areas of work of the Panel.

The Administration proposes to set up a Chinese medicine hospital and to integrate Chinese-Western medicine. This is a major area of concern for the Panel this year. Members passed a motion in a meeting on 19 May urging the Government to expeditiously implement the establishment of a Chinese medicine hospital, and incorporate the hospital into the public healthcare system to enable most members of the public to be able to afford the services provided by the hospital. There is also a strong call from members that the development directions for, and the running of, the hospital should be based on the perspective of Chinese medicine, rather than a Western medicine perspective. To enable more focused discussion, the Panel decides to form a Subcommittee on Issues Relating to the Development of Chinese Medicine to study and review government strategies, policies and measures in the long-term development of Chinese medicine.

The regulation of cosmetic procedures classified as medical procedures continues to be a focus of the Panel's discussions. Members generally agree that beauty service providers who are not themselves registered medical practitioners or registered dentists should refrain from performing these procedures in view of their inherent risks. The authorities should remind registered medical practitioners and registered dentists to strictly observe the Code of Professional Conduct issued by their Councils when they provide cosmetic procedures. However, some members are concerned about the impact of the proposal on the beauty sector and the consumers. They urge the Government to set up a steering committee on the regulation of the beauty industry and work with the beauty industry to formulate a set of regulatory and training regime for the profession.

Some members note that the Administration has made several changes to the original regulatory framework of medical devices proposed in 2010. Of particular concern to members is the proposed control over the use of specific medical devices commonly used in beauty procedures. They think that

beauticians fulfilling a set of skills and competency requirements should be allowed to operate these devices when certain conditions are satisfied, say, they are working under the supervision of registered medical practitioners.

The Panel is very concerned about mental health policy and services. Members urge the authorities to increase the provision of services in mental health and forge closer collaboration among various departments for service delivery. The Administration should map out a blueprint for mental health and allocate adequate resources for the long-term development of mental health services. Some members think that the Administration should establish a high-level mental health commission and to expedite its feasibility study on statutory community treatment order.

President, the Panel has also followed up a number of issues related to the Hospital Authority (HA). Members think that the existing resources allocation mechanism among hospital clusters has failed to align resources to areas of need. They are also concerned about measures taken by the HA to monitor the clinical outcomes. With respect to public-private partnership, some members stress that these initiatives are no substitutes for the public healthcare services which are provided to members of the public at highly subsidized rates. But the HA can make good use of the resources of the private sector healthcare services, such as in the Cataract Surgeries Programme as a contingency measure to complement public healthcare service. In addition, members are deeply concerned about the financial burden imposed by the extremely expensive self-financing drugs on the patients. They think that all drugs which are proven to be of significant benefits should be provided at standard fees and charges. They think that the income of extended family members living with the patients should not be counted as the patients' household income when assessing the financial condition of the applicants for the Samaritan Fund.

Lastly, I wish to make use of this opportunity to thank members for their support of the work of the Panel. President, I so submit.

PRESIDENT (in Cantonese): Dr Helena WONG will address this Council on the Report of the Panel on Food Safety and Environmental Hygiene 2013-2014.

Report of the Panel on Food Safety and Environmental Hygiene 2013-2014

DR HELENA WONG (in Cantonese): President, in my capacity as Chairman of the Panel on Food Safety and Environmental Hygiene, I now submit the Report of the Panel during this Legislative Session to this Council. As the work of the Panel is set out in detail in the Report, I will only highlight a number of important areas of work of the Panel.

The subject of the prevention and control of avian influenza is high on the agenda of the Panel. After a number of samples from a batch of live chickens imported from the Mainland were confirmed of the H7 avian flu virus on 27 January this year, the Panel has held a number of meetings to discuss and follow up the incident as well as the prevention and control measures of avian flu adopted by the Administration. Members passed two motions at the Panel's special meeting on 29 January, requesting the Administration to propose plans to improve the live chicken supply chain system and offer compensation to relevant parties of the affected trade. The Administration was urged to expeditiously identify sites for relocating the Cheung Sha Wan Temporary Wholesale Poultry Market. Members express strong dissatisfaction with the Administration for its failure to handle the streaming of local poultry and poultry imported from the Mainland. They are worried that if avian flu cases break out on the Mainland, local live poultry will be affected, hence leading to problems like the culling of poultry and compensation. Members stress that before testing results are available on imported live poultry, the Administration should avoid holding local and imported live poultry in the same wholesale market.

Members remain deeply concerned about the shortage of public niches in Hong Kong and the Administration's inability to effectively regulate unauthorized private columbaria. They urge the Administration to substantially increase the supply of public niches in the light of demographic changes in the coming years. On the Administration's proposal for time-limited occupation of niches to address the problem of the supply of niches, most members express their objection. Members have also expressed dissatisfaction with the Administration's delay in introducing the Private Columbaria Bill. Some members are concerned that the Administration would continue to procrastinate in taking enforcement actions by providing a long transitional period for unauthorized private columbaria to meet the licensing requirements. This delay will in effect allow those unauthorized private columbaria to escape from regulation. We note that the Administration has finally introduced the Private Columbaria Bill to this Council on 25 June

2014. The House Committee has on 27 June set up a Bills Committee to deliberate on the Bill.

The Panel has also followed up matters related to food supply and food safety. First on the subject of the supply chain of powdered formula, members have expressed diverse views on whether the Import and Export (General) (Amendment) Regulation 2013, that is, what is commonly called the "powdered formula restriction order", should be adopted as a short-term measure to modulate the demand for powdered formulas in Hong Kong, or as a medium- or long-term measure to combat parallel trading activities of powdered formulas. Members are also very concerned about the implementation of the Nutrition Labelling Scheme and whether or not the Food and Drugs (Composition and Labelling) Regulation provides specific legibility requirement for nutrition labels. In addition, members are deeply concerned about the Administration's proposal to remove three pesticides (namely, fosetyl aluminium, thidiazuron and triphenyltin hydroxide) from Schedule 1 to the Pesticide Residues in Food Regulation. Members are worried that this proposal might compromise food safety in Hong Kong. In the light of members' grave concern, the Administration has subsequently advised the Panel that the Centre for Food Safety has withdrawn the proposal and will re-examine it.

The Panel is also very concerned about matters related to animal rights and animal welfare. Members support the "Trap-Neuter-Return" as a measure to reduce stray dog population. They urge the Administration to implement the trial programme expeditiously. Members also urge the Administration to set up Animal Police teams, review the Prevention of Cruelty to Animals Ordinance and enact legislation on animal welfare to enhance the protection of the welfare of animals.

Some members note that the Administration has proposed to extend the liquor licence duration to a maximum of two years. They urge that the Administration should put in place a clear and stringent mechanism to monitor the liquor-licensed premises' continuous compliance with the licensing conditions. Some members are also concerned about the consultation process for liquor licence application. They urge the Administration to improve the process. Some members express concern about the nuisance caused by upstairs bars to residents.

Lastly, I wish to thank members for their support of the work of the Panel. President, I so submit.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam will address this Council on the Report of the Panel on Transport 2013-2014.

Report of the Panel on Transport 2013-2014

MR CHAN KAM-LAM (in Cantonese): President, in my capacity as Chairman of the Panel on Transport, I submit the report of the work of the Panel for the current Session and briefly highlight several major areas of work.

In the 2013-2014 Session, the Panel on Transport continued to closely monitor public transport fares which have a bearing on the people's livelihood and closely follow up matters relating to railway planning, implementation and operation through the Subcommittee on Matters Relating to Railways.

In late May 2014, the MTR Corporation Limited (MTRCL) announced that the overall MTR fare adjustment rate for 2014 would be an increase of 3.6% under the Fare Adjustment Mechanism. Some members of the Panel expressed dissatisfaction that despite the handsome profit of over \$13 billion and the occurrence of a number of railway incidents in the past year, the MTRCL still decided to increase MTR fares in 2014. Some members urged the Administration to review the Fare Adjustment Mechanism of the MTRCL again. Some members suggested that the Government as the majority shareholder should return its dividends to the MTRCL or set up a fare stabilization fund to moderate the rate of MTR fare increases.

The Panel also called on the MTRCL to offer more fare concessions, such as extending the "Early Bird Discount Promotion" Trial Programme to cover the evening rush hours as well as other additional stations on top of the 29 core urban stations as originally announced and to review various concessionary fare schemes, so that concessions can be fairly offered to residents in various districts.

In respect of bus fares, the Kowloon Motor Bus Company (1933) Limited (KMB) had applied for a fare increase of 4.3% in the Session. Some members were dissatisfied with KMB's fare increase application. They considered KMB's service unsatisfactory and the proposed fare increase rate excessive. Some members urged the Administration to provide support to franchised bus operators. Such support could be in the form of improving the facilities of transport interchanges and bus stops and allowing bus companies to provide feeder service

to railway stations to increase profit. The Panel also noted that after the Administration had consulted the Panel and the Transport Advisory Committee, the Chief Executive-in-Council decided in June 2014 that the KMB's application be approved with an overall average fare increase of 3.9%. The new fares would become effective on 6 July 2014. Compared with the fare increase rates applied by KMB, the approved fare increase rates were lowered by about 9.1%.

In May this year, the Administration reported to the Panel that it had approved the extension of the current licences of the six ferry routes for three years. At the same time, the Administration also briefed the Panel that the applications for fare adjustment submitted by the ferry service operators for the six major outlying islands ferry routes had been approved. The rate of increase in the fares was around 5% to 6%. The Panel in general expressed grave concern on the burden of fare increase of the outlying island ferry services on passengers. The Panel also urged the Administration to perform better its gatekeeping role to contain fare increases to alleviate the pressure on islanders, and revisit the possibility of allowing the operation of inner harbour ferry service to increase the income of the operators. To improve the ferry services, members made several suggestions, including the introduction of a fuel surcharge or a fuel subsidy, the purchase of vessels by the Administration and the setting up of a fund to stabilize outlying island ferry fares.

In respect of road traffic management, the Administration had studied three proposals involving different degrees of toll reduction at the Eastern Harbour Crossing (EHC) and toll increases at the Cross Harbour Tunnel (CHT), with a view to improving the traffic distribution among the road harbour crossings. The Panel noted in February this year that the Administration had decided to put in abeyance the implementation of the above toll adjustment trial scheme, having regard to the latest traffic situations at CHT and EHC and views of the public as well as concerns of the relevant districts. Members in general supported the Administration's decision to shelve the toll adjustment trial scheme and requested the Administration to implement short-term measures to ease traffic congestion at road harbour crossings and the connecting roads by, among other things, expanding the pick up/drop off areas at bus stops near the entrance of road harbour crossings and developing a mobile application for drivers to receive traffic information. In the long term, some members called on the Administration to buy-back the Western Harbour Crossing and study the feasibility of constructing the fourth road harbour crossing to meet the traffic demand brought by the growth in population and tourists.

In respect of railway development, the Subcommittee on Matters Relating to Railways had followed up the implementation of several projects in the current Session, including the delay of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, Kwun Tong Line Extension, South Island Line (East) and West Island Line caused by various reasons. The Subcommittee had requested the Administration and the MTRCL to explain the reasons for the delay, whether they had deliberately concealed the facts and whether there would be any possible increase in the cost. Moreover, the Subcommittee had expressed concern about the construction safety and maintenance programme of railway projects and requested the MTRCL to explain the reasons for the frequent occurrence of train service disruptions.

President, the other areas of work of the Panel are explained in detail in the written report. I so submit.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing will address the Council on the Report of the Panel on Housing 2013-2014.

Report of the Panel on Housing 2013-2014

MR WONG KWOK-HING (in Cantonese): President, in my capacity as Chairman of the Panel on Housing, I submit the report of the work of the Panel for the 2013-2014 Session and give a brief account on several major areas of work of the Panel.

The production of public housing had been an issue of the utmost concern to the Panel. A dedicated working group was set up by the Panel to follow up and discuss the long-term housing strategy drawn up by the Government and had held 10 meetings. The Government decided to adopt 470 000 units as the new public and private housing total supply target for the coming 10 years, of which 280 000 would be public housing units. The Panel welcomed this decision but some members expressed concern over the Administration's ability to meet this new target in view of the lack of concrete measures to ensure sufficient land supply, construction manpower and financial resources. In respect of the Public Housing Construction Programme for 2013-2014 to 2017-2018, members were concerned that the current public rental housing (PRH) production rate at about

16 000 units per year could not match the housing supply target for the next 10 years. They requested the Administration to introduce short-to-medium-term measures to address the shortage, such as using PRH estates decanted for redevelopment for providing temporary housing.

Some members criticized that the target of the Hong Kong Housing Authority (HKHA) to maintain the average waiting time for general PRH applicants at around three years was misleading as it was not applicable to the non-elderly one-person applicants and the waiting time was counted up to the first flat offer only. Members were gravely concerned that the average waiting time target at around three years could not be attained given the current level of PRH production and the increasing number of applicants on the Waiting List. To alleviate the plights of applicants on the Waiting List, some members suggested the Administration to consider providing applicants with a waiting time of three years or above with transitional housing or rent subsidy. Members also expressed concern over the long waiting time of larger households and requested the Administration to increase the production of larger units.

The Panel had discussed the HA's measures to tackle Under-occupied (UO) households in PRH estates and held meetings to listen to public views. Some members were dissatisfied that the HA had been tightening the prioritized under-occupation threshold over the years. They criticized the under-occupation policy for being disturbing and causing undue pressure on those tenants who were identified as UO households, in particular the elderly. They requested that the HA should exclude UO households with elderly aged 60 or above from the under-occupation list. On the other hand, some members supported the implementation of the under-occupation policy to ensure rational utilization of the precious public housing resources for allocation to eligible families with genuine housing needs.

The Panel was gravely concerned about the divestment of shops and carparking facilities at four properties by The Link Management Limited (The Link) and had held meetings to discuss this issue. Members were concerned that the disposal of these properties by The Link was the beginning of its actions to get rid of those shopping centres that were not so profitable. After procuring the properties, the new property owners might increase the rents of the retail and carparking facilities and this in turn would lead to increased prices of goods, thereby adding to the financial burden on the residents of the relevant estates or courts. Members were also concerned that the properties might be converted to

other uses, hence depriving the residents of convenient retail facilities. Some members criticized the Administration for not preventing the Link from disposing of its properties and called on the Administration to buy back the properties. Although the Administration said that the assignment deeds between the HA and The Link contained certain restrictive covenants which stipulated that the commercial and carparking facilities should not be disposed except as a whole, members doubted how the Administration could ensure that a third party who had purchased a shopping centre from the Link would comply with the restrictive covenants and how the land lease conditions could ensure that the residents of the relevant estate or court would be given priority in using the carparking spaces in the properties.

Regarding the substantial rent increase for PRH estates to be implemented by the Hong Kong Housing Society (HS) from 1 April this year, while members showed understanding about HS's need to increase the rent of its rental units, they were concerned that the level of increase at 8% was way too high and would adversely affect the livelihood of the grassroots. They were also dissatisfied that tenants' affordability was not given due weighting by the HS in deciding the rent increase. The Panel requested the HS to shelve the adjustment of rent and study the feasibility of providing needy tenants with rental assistance.

Regarding the Subsidy Scheme for the replacement of laundry pole holders by laundry racks in PRH flats proposed by the HA, the Panel welcomed that the HA accepted members' views and withdrew its original suggestion that tenants should share the installation cost. The HA would carry out installation works and provide repair and maintenance services free of charge in the future for tenants participating in the Subsidy Scheme. The Panel also welcomed that the Housing Department, in response to the request made by the Panel, had carried out a study on the improvement of bathrooms in Po Tin Estate and put up an improvement proposal which was well-received by the residents. Moreover, the Panel supported the HA's decision to clear the Long Bin Interim Housing to make way for public housing development. Members urged the authorities to make special rehousing arrangements to offer PRH to all affected households.

Lastly, President, I take this opportunity to express my gratitude to members of the Panel and colleagues of the Secretariat for their support during the past year.

PRESIDENT (in Cantonese): Ms Cyd HO will address the Council on the Report of the Panel on Environmental Affairs 2013-2014.

Report of the Panel on Environmental Affairs 2013-2014

MS CYD HO (in Cantonese): President, in my capacity as Chairman of the Panel on Environmental Affairs, I submit the report of the work of the Panel for the 2013-2014 Session and briefly highlight several areas of work of the Panel.

Waste management remained high on the agenda of the Panel. The Panel had held three meetings to discuss the funding proposals for the Integrated Waste Management Facilities (IWMF) project and the extension of the Southeast New Territories (SENT) Landfill and to listen to public views. The Panel considered that betterment measures, such as reduction in electricity tariff and waste charges, should be provided as compensation for residents living in the vicinity of waste treatment and disposal infrastructures. In particular, some form of compensation should be provided to Cheung Chau residents who were worried about the impacts of the IWMF on public health and air quality. Members also expressed concern about the potential impacts of the reclamation works on fisheries resources and the fisheries industry. Moreover, some members were concerned that the Administration might not proactively promote waste reduction and recycling if the funding proposals for landfill extension and IWMF Phase 1 were approved.

To address Tseung Kwan O residents' concerns on air quality, odour and dust arising from the operation of the SENT Landfill, the Government had proposed the "Waste Diversion Plan" under which the SENT Landfill is designated to receive only construction waste. The Government also required refuse collection vehicles to be equipped with a metal tailgate cover and a waste water sump tank for more effective avoidance of nuisance arising from their operations. Members generally welcomed the proposed improvement measures and supported the subsidy scheme to assist the waste collection trade to retrofit their refuse collection vehicles. Members also expressed concern that private waste collectors would face a significant increase in their operating costs. In this connection, members requested the Administration to provide incentives, so as to attract more private waste collectors to use the service of refuse transfer stations. Notwithstanding this, some members considered that the Administration should not proceed with the extension of the SENT Landfill in order to allay residents' concerns.

Members generally supported the introduction of the municipal solid waste (MSW) charging scheme. However, members were concerned that there might be a higher tendency for fly-tipping following the implementation of MSW charging, and suggested that a comprehensive monitoring system should be put in place to deter non-compliance with the charging scheme. As for the charging mechanism, members considered it more desirable for MSW charging to be based on the volume of waste disposed of by individual households because this could create more direct incentive to reduce waste by individual waste producers. Members further supported that the MSW charge should be offset by a corresponding reduction in rates to avoid double levy. Members also requested the Administration to work out concessionary arrangements to reduce the impact of MSW charging on the grassroots.

Regarding the Administration's measures to promote the sustainable development of the recycling industry, members suggested that the Administration should develop markets for different types of recyclable materials and consider providing direct or indirect support to waste recovery or treatment,

Members also supported the Administration's proposal to introduce a mandatory producer responsibility scheme to treat waste glass bottles and waste electrical and electronic equipment. They urged the Administration to provide a level playing field for recyclers and enhance its efforts to protect the interests of consumers to prevent suppliers from shifting the cost of recycling to consumers.

Furthermore, the Panel supported the Administration to expeditiously take forward the development of Organic Waste Treatment Facilities Phase 1 to recycle source-separated food waste to useful products and minimize the reliance on landfill disposal.

A delegation of the Panel comprising nine Panel members conducted an overseas duty visit to the United Kingdom, the Netherlands, Denmark and Sweden in March this year to study the four countries' experience on the development and operation of thermal waste treatment technologies. After the visit, the delegation held an exhibition to brief other Members of the Legislative Council and the media on the outcome of the visit. The exhibition was then opened to the public.

President, I take this opportunity to express my gratitude to members of the Panel and colleagues of the Secretariat for their support in the past year. Thank you.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG will address the Council on the Report of the Panel on Administration of Justice and Legal Services 2013-2014.

Report of the Panel on Administration of Justice and Legal Services 2013-2014

DR PRISCILLA LEUNG (in Cantonese): President, in my capacity as Chairman of the Panel on Administration of Justice and Legal Services, I brief this Council on the major areas of work of the Panel in the 2013-2014 Session.

The Panel expressed concern about the shortage of manpower in the Judiciary. A member queried whether the Judiciary would be able to attract new blood to join the bench given the relatively low remuneration of Judges and Judicial Officers (JJOs) as compared to the remuneration of private legal practitioners. Another member pointed out that Judges were not provided with sufficient support in preparing judgments, especially judgments in the Chinese language, and some Judges had to make use of their spare time to prepare judgments. Some members also called on the Judiciary Administration (JA) to conduct the relevant recruitment exercises in a more systematic and transparent manner so that more talents may be recruited to join the Judiciary.

As regards the mechanism for handling complaints against judicial conduct, members noted some legal academics considered that there was nothing wrong in principle to involve lay members in the process of reviewing judicial conduct, having regard to the fact that such an arrangement was practised in some overseas jurisdictions. However, the Bar Association did not consider it appropriate to have lay participation in the handling of complaints against judicial conduct. If Judges were entrusted by the community with the exercise of independent judicial power, there was no good reason to believe that the same Judges would not dispense justice in handling complaints against the judicial conduct of other JJOs. Upon completion of the review conducted by an internal Working Group set up by the Chief Justice of this matter at the end of 2014, the Panel will follow up with the JA the study of the relevant mechanism.

Members noted the key proposals put forward by The Chief Justice's Working Party on Family Procedure Rules (FPR) on Review on Family Procedure with the objective of formulating a single set of procedural rules for the family jurisdiction applicable both to the Family Court and the High Court. Some members were worried that should the proposals be implemented, family service centres would be receiving a large number of enquiries concerning matrimonial and related issues. Some members also considered it necessary to increase the manpower and financial resources to strengthen other supporting services for the Family Court. These members noted that the Working Party on FPR would prepare its Final Report on the basis of the comments received during consultation for the CJ's consideration, tentatively by the first quarter of 2015.

As regards the recommendations made by the Law Reform Commission (LRC), members considered the progress of implementation by the Administration extremely slow, which would render the recommendations out of date due to the lapse of time. These members also expressed views on individual reports. For instance, the Panel expressed concern about the LRC's recommendation of repealing the entire Schedule 3 to the Criminal Procedure Ordinance (Cap. 221) as this might send a wrong message to the community that the excepted offences listed in Schedule 3, such as manslaughter and rape, were not that serious at all as no immediate sentencing might be imposed on the convicted person. The Administration planned to brief the Panel and receive public views particularly the women's groups on the recommendation at a later meeting before deciding the way forward. Furthermore, members noted that the Panel's proposed provision of screen to victims of sexual offence cases during court proceedings was under consideration within the Judiciary.

Members expressed diverse views on the establishment of an independent legal aid authority. Some of them shared the concern of the Bar Association that the expenditure of the Legal Aid Department (LAD) was capped by a departmental budget, which might undermine the accountability and independence of the LAD. Some other members held opposite views that the independent legal aid authority, being an independent entity, would have to seek supplementary provision from the Legislative Council in situation of insufficient funding. The operational and financial sustainability of the independent legal aid authority, if established, might thus be affected. Furthermore, a member expressed concern that the setting up of an independent legal aid authority would give rise to champerty cases and possible abuses of legal aid for judicial review cases.

As regards the consultation conducted by The Law Society of Hong Kong (Law Society) on the feasibility of implementing a common entrance examination as a means of admitting individuals to practise as solicitors, some members considered that it would be worthwhile to explore routes for young people to join the legal profession. However, the Bar Association and the three law schools in Hong Kong were not convinced. The Bar Association was concerned about the implications of the proposed common entrance examination on the barrister branch of the profession. The Panel would continue to keep in view the progress of Law Society's consultation exercise and the comprehensive review conducted by the Standing Committee on Legal Education and Training on legal education and training in Hong Kong.

As regards the subject of reform of the current system to determine whether an offence is to be tried by Judge and jury or by Judge alone, a debate was conducted by the Panel. The Bar Association considered that jury trial was a very important common law right which was in its view the guardian of liberty and which guaranteed the sound administration of justice. Nevertheless, the Administration pointed out that, according to relevant judgments in the past, a defendant did not have an absolute right to trial by jury. Members agreed to further discuss the issue after the parties concerned had prepared detailed submissions on the subject.

Regarding compensation for wrongful conviction, some members held the view that the existing administrative guidelines for determining whether a compensation should be paid were too abstract and left too much room for the Solicitor General to interpret the guidelines as he deemed fit. They were also concerned about the lack of criteria for the Secretary for Financial Services and the Treasury to determine compensation which included non-pecuniary losses such as loss of liberty or damage to character and reputation.

President, the Panel will discuss at the meeting to be held at the end of this month the progress of work of the Steering Committee on Mediation established not long ago. Other areas of work of the Panel have already been explained in detail in the written report. I would like to thank members for their effort and participation in the work of the Panel over the past year. I so submit.

PRESIDENT (in Cantonese): Mr IP Kin-yuen will address the Council on the Report of the Panel on Education 2013-2014.

Report of the Panel on Education 2013-2014

MR IP KIN-YUEN (in Cantonese): President, in my capacity as Deputy Chairman of the Panel on Education, I report the Panel's work during the 2013-2014 Legislative Session. As a full account on the work of the Panel is already given in the written report, I am going to highlight the following important areas of work only.

The Panel was gravely concerned about the implementation of free kindergarten education and received an update on the progress of work of the Committee on Free Kindergarten Education (the Committee) in February 2014. Some members considered that there was a lack of substantive progress except for some short-term measures proposed by the Administration. According to the Administration, due to the intricacy of the issues involved, the Committee would take about two years to complete its tasks and make recommendations to the Government. To effectively monitor the implementation of free kindergarten education, the Panel agreed at its meeting in April 2014 to set up a subcommittee to study the relevant matter.

The Panel noted with grave concern the supply of and demand for kindergarten places and gave views on the temporary measures implemented by the Education Bureau in the North District and Tai Po to improve the admission procedure within the districts, notably the measure of "one place per child" and "the principle of vicinity". The Panel also passed a motion urging the Education Bureau to, amongst others, improve the admission mechanism of kindergartens and implement 15-year free education as early as possible.

With regard to the allocation of students to Primary One (P1) classes, the Panel noted that more students were allocated to each P1 class of schools in five school nets in order to provide more P1 places. After discussing with the Administration and receiving views from stakeholders, the Panel passed two motions urging the Administration to, amongst others, uphold the policy on small

class teaching in primary schools and re-negotiate with the school sector issues relating to the allocation of more students to each P1 class. The Panel would further discuss this issue at the meeting to be held in July.

As regards secondary education, the Panel continued to follow up the impact of the decline in Secondary One student population and the effectiveness of the targeted measures implemented since the 2013-2014 school year. As regards review of the New Senior Secondary (NSS) curriculum and assessment, the Panel received a report on the progress of the Medium-term Review and the first batch of improvement recommendations on four subjects. Some members reiterated their grave concern about the depth and breadth of the NSS curriculum and the insufficiency of lesson time. Furthermore, some members requested the Administration to address squarely the difficulties faced by students with special educational needs under the NSS curriculum and provide appropriate support.

The Panel also expressed views on the consultation document on the Fourth Strategy on Information technology in Education and supporting the adoption of e-textbooks by schools. The Panel expressed support for the provision of grants for public sector schools to enhance or top up their IT infrastructure. Some members also highlighted the need for the Administration to reform the conventional teaching and learning mode through information technology to one that was more interactive and self-directed. The Panel passed two motions urging the Government to adopt a number of measures to, amongst others, enhance the professional training of teachers and create the dedicated posts of "IT Co-ordinator".

On higher education, President, the Panel expressed concern about the admission to publicly-funded undergraduate and postgraduate programmes to ensure that the admission chances of local students will not be affected. As regards the development and regulation of self-financing post-secondary education, members agreed with the views expressed by some stakeholders that obsolete provisions in the Post Secondary Colleges Ordinance (Cap. 320) and its subsidiary legislation should be revised expeditiously. The Administration agreed to study the matter. The Panel also requested the Administration to address squarely the inadequate provision of publicly-funded post-secondary places and follow up the establishment of a single quality assurance body for the entire post-secondary system.

As of the end of June 2014, the Panel held a total of 11 meetings, and received views from 33 deputations/individuals on different subjects. I would like to take this opportunity to thank members and deputations for their active participation.

President, I so submit.

PRESIDENT (in Cantonese): Mr James TIEN will address the Council on the Report of the Panel on Economic Development 2013-2014.

Report of the Panel on Economic Development 2013-2014

MR JAMES TIEN (in Cantonese): President, in my capacity as Chairman of the Panel on Economic Development, I submit the Report of the Panel for the current Session and highlight several major items of work of the Panel.

In this Session, the Panel continued to closely monitor the tariff increase of the two power companies and discussed their 2014-2018 Development Plans as well as the outcome of the Interim review of the Scheme of Control Agreements.

Members urged the Administration to urge the power companies, as public utility companies, to be aware of their social responsibility and strive to take feasible measures to suppress the level of tariff adjustment so as to ease the financial burden of the general public.

Furthermore, the Panel discussed the two options of future fuel mix for electricity generation proposed by the Administration. Regarding the proposed purchase of electricity from the power grid in the Mainland, members expressed doubt about the reliability of power supply and stability of the price of purchased electricity. Some members considered that as the consultation document did not provide information on tariffs which consumers would pay under the two options, members of the public could hardly assess the pros and cons of the options.

The Panel continued to monitor the follow-up actions taken in relation to the collision of vessels near Lamma Island in 2012 and received a briefing on the possible problems involved in the performance of duties by the Transport and Housing Bureau in relation to the vessel collision incident and the outcome of the

internal investigation into staff conduct in the Marine Department. Some members expressed dissatisfaction with the Administration's failure to fully disclose the Investigation Report.

However, the Administration held that public disclosure of the full Report at this stage had the serious risk of prejudicing criminal investigation in respect of the incident.

The Panel passed a motion urging the Administration to submit the Investigation Report to the Legislative Council for perusal by Members under a confidentiality agreement. The Administration stated that it was considering making arrangements for all Members to read the Investigation Report.

The Panel also noted that visitor arrivals hit a new record of more than 54 million last year. Regarding the Administration's projection that there would be about 70 million visitors in Hong Kong in 2017, a number of members urged the Administration to increase the supply of hotel rooms, develop new scenic spots and divert congested tourist areas, and strive to minimize the impact of tourism development on society.

The Panel received a briefing by the Administration and the Airport Authority Hong Kong on the statutory environmental impact assessments of the Third Runway Project.

In view of the general increase in construction costs in recent years, members expressed concern about overruns of the future construction cost of the Third Runway. Members also noted the impact of the project on the ecology of the waters surrounding the airport, particularly the China white dolphins.

Furthermore, members also expressed their concern and views about the impact of the Three-Runway System Project on noise, feeder transport service, and the livelihoods of fishermen who worked in the surrounding waters of the airport.

Other major items of work of the Panel are detailed in the report. President, I wish to take this opportunity to thank members of the Panel and the Secretariat for their support in the past year. Thank you.

PRESIDENT (in Cantonese): Mr POON Siu-ping will address the Council on the Report of the Panel on Public Service 2013-2014.

Report of the Panel on Public Service 2013-2014

MR POON SIU-PING (in Cantonese): President, in my capacity as Deputy Chairman of the Panel on Public Service, I now submit the Report for this year and highlight a number of important areas of work.

In 2013-2014, the Panel actively followed up issues related to the manpower situation of the civil service and retirement age of civil servants. The majority of members supported adopting a higher retirement age for new recruits and, when there are specific operational or succession needs, allow serving civil servants to continue to serve for a specific period upon reaching their retirement age. A consultation was launched by the Administration on extension of the service of civil servants on 3 April 2014. The Panel will hold a public hearing on 21 July 2014 to receive views of relevant deputations and members of the public.

The Panel would continue to closely monitor the employment of Non-Civil Service Contract (NCSC) staff and the use of agency workers. The Panel was particularly concerned that, despite the decline in the total number of NCSC staff in the past couple of years, the number of NCSC staff who had worked in government departments for five or more years still stood high at around 4 700. Members urged the Administration to speed up the pace of replacing NCSC positions by civil service posts, critically review the manpower situations of those departments which had a relatively high ratio of NCSC staff, and to accord priority to NCSC staff with relevant experience in filling civil service posts.

As regards the 2014-2015 Civil Service Pay Adjustment, members did not raise objection to the proposal. However, some members were of the view that the Administration had not fully considered the staff sides' pay adjustment claims in making decisions. Some members also noted that the pay adjustment rates for civil servants in the middle and lower salary bands were below the headline Consumer Price Index (A) and this might adversely affect the morale of the civil servants. The Panel noted that the Administration would submit the relevant funding proposal to the Finance Committee before the end of this Legislative Session.

On the provision of medical benefits for civil service eligible persons, the Panel received the views of the relevant deputations. Members urged the Administration to continue to improve the provision of such benefits, including the inclusion of Chinese medicine service in the scope of civil service medical benefits, extension of civil service medical benefits to serving NCSC staff, and allowing civil servants who had been appointed in and after June 2000 to enjoy civil service medical benefits upon their retirement from the civil service.

In response to the requests made by Model Scale 1 (MOD 1) staff, the Administration launched a review in June 2013 to assess the feasibility of reducing the stipulated conditioned hours of work for MOD 1 staff from 45 hours net per week to 45 gross conditioned hours of work per week. After receiving the views of the relevant civil service deputations, the Panel noted their disappointment with the findings of the first stage of the review. The Panel requested the Administration to fully engage MOD 1 staff in the second stage of the review and would continue to monitor the progress of the review.

President, a full account on the work of the Panel is already given in the written report. I so submit.

PRESIDENT (in Cantonese): Mr IP Kwok-him will address the Council on the Report of the Legislative Council Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption.

Report of the Legislative Council Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption

MR IP KWOK-HIM (in Cantonese): President, in my capacity as Chairman of the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption (Select Committee), I submit the Report to the Legislative Council on behalf of the Select Committee.

First, I would like to give a brief description of the background on the establishment of the Select Committee. At the special Finance Committee meeting on 9 April 2013, some Members raised concerns over the official duty visits undertaken by Mr Timothy TONG and his practice of presenting gifts paid out of public funds during his tenure as the Commissioner of Independent Commission Against Corruption (the Commissioner), and the Members requested the Independent Commission Against Corruption (ICAC) to provide detailed information on such matters. On 17 April 2013, the Audit Commission presented the Director of Audit Report No. 60 to the Legislative Council. According to Chapter 7 of the Report, the Audit Commission identified a number of inadequacies on the part of the ICAC in providing preventive education and enlisting public support against corruption, including those in expenditure control on official entertainment. Later, there was wide media coverage of the handling of official entertainment, gifts, and duty visits by Mr TONG during his tenure as the Commissioner, which aroused concerns and discussions in the community.

At the meeting of the Legislative Council on 8 May 2013, Mr Dennis KWOK presented a petition jointly signed by Ms Cyd HO and himself. Ms Cyd HO requested that the petition be referred to a select committee according to Rule 20(6) of the Rules of Procedure. Her request was supported by 25 Members and the petition was thus referred to a select committee under Rule 20(6) of the Rules of Procedure.

The set of practice and procedure of the Select Committee is modelled on the sets of practice and procedure adopted by previous select committees with necessary modifications taking into account that the Select Committee has been established under the petition and is not authorized by the Legislative Council to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance. The Select Committee all along adheres to the principles of being impartial and fair in carrying out its work, and ensures transparency in its inquiry proceedings as far as practicable.

I believe colleagues should remember that, the Public Accounts Committee (PAC) had held a number of public hearings from May to October 2013 to obtain evidence from Mr TONG and the ICAC, and submitted a report to the Legislative Council on 27 November of the same year. In May 2013, the Government also set up the Independent Review Committee on ICAC's Regulatory Systems and Procedures for Handling Official Entertainment, Gifts and Duty Visits (IRC), and

the report of the committee was released on 12 September of the same year. For the purpose of conducting its inquiry effectively, the Select Committee decided at the commencement of its work that it should avoid repeating the work of the PAC and the IRC but it would make reference to the investigations and review findings of the PAC and the IRC.

Based on the terms of reference, the inquiry of the Select Committee involves two core issues. First, whether the way Mr Timothy TONG handled official duty visits, entertainment, and bestowing and receipt of gifts is commensurate with his official capacity and the values of probity and integrity advocated by the ICAC, and second, when the Member requested the provision of information on gifts presented by Mr TONG to government officials of different places and paid out of public funds, why the ICAC only provided information on "souvenirs" presented and left out information on food items presented to government officials of different places by Mr TONG.

The inquiry findings and recommendations of the Select Committee are set out in detail in the Report. In respect of official duty visits, the Select Committee is concerned whether Mr TONG might have focused too much on duty visits which aimed, among others, to promote abroad the anti-corruption regime in Hong Kong and exchange experience with counterparts and might have neglected the duties and responsibilities expected of the ICAC locally in Hong Kong. However, in the absence of relevant information, the Select Committee is unable to ascertain the role and involvement of Mr TONG in the decision-making process for the various duty visits, including the point of time he became aware of the excessive non-official duty related activities in two of his duty visits, and whether he had made the best effort to change the itineraries or decline such activities after he became aware of them. The Select Committee is not able to draw any conclusion as to the responsibility of Mr TONG in respect of the irregularities in the procurement of air passages for overseas trips.

In respect of the way Mr TONG handled official entertainment, the Select Committee considers that the percentage of overspending meals hosted by Mr TONG was unduly high. Not only did he fail to act with prudence in exercising his discretionary power for approving official entertainment expenditure, he also ignored the principle of frugality and the need to avoid extravagance in entertaining guests with public funds. Besides, in approving the estimates of expenditure on official entertainment, he had not dealt with the irregularities of the Community Relations Department (CRD) and the Office of

Strategic Research of excluding the expenses on alcoholic drinks from the total expenditure of the relevant entertainment activities. The Select Committee considers that Mr TONG's serving of hard liquor at official entertainment functions during his tenure is inappropriate as the consumption of hard liquor, even in a sensible and moderate way, by ICAC officers attending official entertainments will arouse public concern as to whether official confidential information may be divulged under the influence of alcohol by those officers, thus undermining public confidence in the ICAC.

On the other hand, the Select Committee has not been able to obtain relevant evidence to prove the truthfulness of the media report on the dinner hosted by the ICAC for the Consuls General in Hong Kong on 8 September 2011, nor has it been able to ascertain the role and involvement of Mr TONG in making decisions on the content, scope and mode of the event. Nevertheless, the Select Committee takes the view that if activities like beer drinking contests or karaoke singing sessions are provided in official entertainment functions hosted by the ICAC, this may give a negative perception to both the guests being invited and the general public, thus leading to queries that such arrangements do not conform to the solemn image of the ICAC. While agreeing that proper liaison between ICAC and the Hong Kong offices of Mainland authorities as well as their staff is conducive to promoting the work of the ICAC and consolidating the working relationship between the parties, the Select Committee is concerned whether Mr TONG had thoroughly considered that unduly close contacts between him and Mainland officials in Hong Kong during his tenure might have shaken public confidence in the impartiality of the ICAC and himself as the Commissioner in handling alleged corruption cases involving Mainland officials. Yet, the Select Committee has not been able to obtain any relevant evidence in this respect.

In respect of the bestowing of gifts, the information gathered from different sources and the evidence given by Mr TONG to the PAC and the Select Committee show that in deciding the gifts to be bestowed and procured for government officials of different places, Mr TONG was the approving authority for the procurement of such gifts or had a role in the relevant decision-making process. As such, he played a pivotal role in the bestowal of such gifts. The Select Committee takes the view that bestowing expensive gifts, particularly those of a personal nature, can easily give rise to corrupt practices, and Mr TONG lacked vigilance in this respect and the prudence expected of him as the Commissioner.

In respect of the receipt of gifts, due to the lack of relevant information, the Select Committee is unable to conclude whether Mr TONG had disposed of the gifts presented to him in his private capacity in compliance with the relevant requirements, and it is also unable to come to a conclusion on whether Mr TONG had committed any acts of non-compliance in disposing of the gifts offered to him in his official capacity during his tenure. However, the Select Committee has reservation over the way in which Mr TONG handled the admission tickets to two Olympic Equestrian Events offered by the Hong Kong Jockey Club which he applied to the Chief Executive for acceptance. Despite the collaborations between the ICAC and the Hong Kong Jockey Club (HKJC) in combating corruption and illegal activities, the ICAC has statutory investigative functions over organizations including the HKJC and it has handled cases involving the personnel of the HKJC. Mr TONG however still made an application to the Chief Executive to accept the gift on the grounds that attending such events was in the interest of the ICAC. This reflects that he was not aware of the potential conflict of roles.

Overall speaking, due to the lack of relevant information and evidence, the Select Committee is not able to come to a conclusion on whether there was non-compliance or mishandling on the part of Mr TONG in respect of the matters relating to his official duty visits and receipt of gifts during his tenure as the Commissioner. However, the information and evidence obtained by the Select Committee clearly show that in handling matters relating to official entertainment and bestowing of gifts, Mr TONG ignored the principle of frugality and the need to avoid extravagance, lacked the prudence expected of him as the Commissioner, and failed to properly exercise the discretionary power vested in him as head of department in these respects. Therefore, the Select Committee is of the view that Mr TONG had not properly discharged his responsibilities as a controlling officer designated under the Public Finance Ordinance in handling matters relating to official entertainment and bestowing of gifts. The ways he handled such matters are not commensurate with the values of probity and integrity advocated by the ICAC and fall short of public expectation of the Commissioner, and have damaged the image of the ICAC, thus tarnishing its reputation.

Regarding the information provided by the ICAC on gifts presented by Mr TONG to government officials of different places in response to Members' requests lacking the information on food items presented to government officials of different places by Mr TONG, basing on the information and evidence obtained, the Select Committee considers that officers concerned of the ICAC had

made a wrong judgment to treat "gifts" as "souvenirs" and thereby not including food items presented by Mr TONG to officials of different places in the replies. The Select Committee expresses deep regret at the failure of the ICAC to provide complete and detailed replies to the Finance Committee.

In the course of the inquiry, when the Select Committee requested the ICAC to provide information on Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner, the ICAC declined to do so on the grounds that this might prejudice the integrity of its ongoing criminal investigation or subsequent criminal prosecution, if any, against Mr TONG. In this connection, the Select Committee has made it clear to the ICAC that the Select Committee does not subscribe to its view since the Select Committee is committed to eliminating any adverse impacts on the judicial proceedings that may subsequently be instituted by adopting appropriate measures in accordance with its practice and procedure in the course of its inquiry. These measures have proved to be effective as seen from the relevant experience of the past select committees of the Legislative Council. However, the ICAC has maintained its original stance of not providing to the Select Committee the information relating to Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner. The Select Committee finds it unacceptable and regrettable.

The Select Committee has made recommendations for improvement in the Report in respect of the regulatory systems on official duty visits, bestowing of gifts, receipt of gifts and the checks and balances on the power of the Commissioner over the administrative matters of the ICAC. The Select Committee hopes that the Chief Executive and the ICAC will actively consider various recommendations to introduce sufficiently effective checks and balances and enhance the transparency of the internal administration of the ICAC.

President, I so submit.

PRESIDENT (in Cantonese): Mr Dennis KWOK will address the Council on the Report on Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption.

MR ALBERT CHAN (in Cantonese): President, I know that it is almost time for lunch, will you please do a headcount according to Rule 17(2).

PRESIDENT (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)

PRESIDENT (in Cantonese): Mr Dennis KWOK, you may speak.

Report on Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption

MR DENNIS KWOK (in Cantonese): President, the Chairman of the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption (Select Committee), Mr IP Kwok-him, has submitted the Report to the Legislative Council just now. On behalf of five members of the Select Committee, including me, I will now submit a report to the Legislative Council.

President, the incident involving Mr Timothy TONG has aroused major concerns among the Hong Kong people because it affects their core values. I think the vast majority of the Hong Kong people will not object to the idea that freedom, democracy, probity, human rights and the rule of law — probity in particular — are the core values of Hong Kong people.

Prior to the establishment of the Independent Commission Against Corruption (ICAC) on 15 February 1974, corruption was rampant in Hong Kong. The police officers collected bribes and the firemen would say "No money, no water", and so on. Most of the people in Hong Kong felt helpless and they could not but accept the reality of society. President, most Members in this Chamber are older than me, they should know full well how serious corruption was in

Hong Kong back then. At that time, corruption had produced a lot of adverse impact on the public and people's livelihood. The ICAC was therefore established to change the customs and practices at that time.

On 17 October 1973, when the former Governor Sir Murray MACLEHOSE came to the Legislative Council to announce the establishment of the ICAC, he made the following remarks, and I quote: "Combatting corruption will not just be a matter of investigation and prosecution. As Sir Alastair has pointed out, there is much history behind corruption in Hong Kong and deeply ingrained attitudes are involved. The Commissioner will therefore have a civil unit whose main task will lie in educating the public as to the evils of corruption not only from the point of view of the recipient but also from that of the giver." (end of quote)

The former Governor used the phrase "deeply ingrained attitudes" to describe the deep-seated corrupt practices in Hong Kong. Thirty years have passed, Hong Kong has changed from a corruption-rampant society into a society upholding probity. This core value of probity is exactly a deeply ingrained attitude of the Hong Kong people today.

After the Timothy TONG incident has come to light, members of the public are shocked, for the incident involves the core values mentioned above. In the mind of the public, the officers and the Commissioner of the ICAC seem to have a halo on their heads, for they represent righteousness and justice and are respected by the public. When the ICAC was established, anti-corruption work first started in government departments, then extended to the Police Force and public organizations. Now, private organizations are also included. Today, the bad practices of corruption are removed in all organizations. Since the 1970s, Hong Kong society on the whole has been advocating probity and the ICAC's efforts in combatting corruption deserves credit. As such, officers of the ICAC are respected by the public and the Commissioner leading the operation of this system is respected all the more.

President, all the previous-term Commissioners have fulfilled their duties and devoted wholeheartedly to anti-corruption work. Their achievements are obvious to all. But what did the former Commissioner Timothy TONG do in his five-year tenure? He was abroad for 146 days and made 35 visits to the

Mainland, incurring a total expenditure of \$3.9 million. Did he focus too much on overseas and Mainland work and to the neglect of his duties and responsibilities in Hong Kong? This is self-explanatory.

During his tenure, Mr Timothy TONG spent \$723,000 on the procurement of gifts, among these were gifts amounting to \$280,000, including display articles of over \$4,000 each, scarves of over \$2,000 each and cameras of over \$1,600 each, and the gifts were all presented to government officials of different places. The lavish manner in bestowing gifts paid out of public money is only one of the controversial acts of Mr TONG. He had also hosted 240 official entertainment functions during his tenure, of which 85 functions (around 35%) exceeded the expenditure limit.

Official entertainment functions organized by this former Commissioner during his tenure involved the consumption of two bottles of hard liquor and 12 bottles of red wine monthly on average. The ICAC is a disciplined force, official entertainment functions are usually offered in the form of lunches. Is it proper to consume hard liquor during lunches and will this affect their work? The answer is obvious. Moreover, Mr TONG advocated the inclusion of beer contests and karaoke singing sessions in an official entertainment function, which were held inside the headquarters of the ICAC. Are these practices in line with the impression of the public of the ICAC in upholding probity and integrity, and is this a proper attitude the Commissioner should adopt? In respect of the ridiculous behaviour of the former Commissioner Timothy TONG, we are very disappointed.

President, regarding such alleged misconduct of Mr TONG mentioned above, he adopted an evasive attitude when he came before the Select Committee to give evidence and he answered questions from Members with double-talk. He continued to damage the image and tarnish the reputation of the ICAC. As such, we have to condemn him strongly. Moreover, we hope that the ICAC will draw reference from this incident. Instead of giving replies to Members of the Legislative Council in a tricky manner, particularly on questions raised by Members of the Finance Committee concerning government expenditure, the ICAC should answer questions from Members of the Legislative Council frankly. We express deep regret at the failure of the ICAC to disclose full and frank information to questions raised by Members of the Finance Committee.

Members of the Select Committee had asked the former Commissioner Timothy TONG why hard liquor was served at official entertainment functions. He explained that official entertainment at different time periods called for different considerations and needs. He also said that the arrangement was made to cater for the prevailing style of entertaining the guests. He considered that serving liquor to guests was conducive to the atmosphere of such entertainment functions. What Mr TONG said was nonsense, absurd and ignorant.

The ICAC was established for the purpose of changing the old customs and traditions and to correct the trend of corruption which has been deep-seated in Hong Kong society. As the Commissioner at the time, Mr TONG had not set a good example himself, but on the contrary he took the lead to damage and attempt to change the ICAC tradition of probity which was established and maintained with great pains over the years. In the face of various allegations, he blatantly engaged in sophistry with the excuse of catering for the prevailing customs of the guests. When a Commissioner who should defend the core value of probity in Hong Kong used these so-called "justifications" to excuse himself, it is infuriating. We strongly condemn Mr TONG for damaging the ICAC's tradition of probity and integrity and its image.

President, five Members of the Select Committee, including me, have to submit another report for we cannot reach a consensus with other Members on the wordings used in the Report. We consider that the behaviour of consuming hard liquor, staging karaoke singing contests and beer drinking contests are unacceptable and inappropriate and these have damaged the image of the ICAC. Members all know that this is a serious allegation, and if the allegation is substantiated, the person concerned may have committed the offence of "misconduct in public office", which is a very serious charge. Therefore, if the Select Committee agrees that his behaviour has damaged the image and tarnished the reputation of the ICAC, the Select Committee should use stronger wordings to condemn him

In our view, since the former Commissioner Timothy TONG had made numerous overseas visits and visits to the Mainland during his tenure, he would not be able to fulfil the major duties in his capacity as the Commissioner. Such an irresponsible practice is not the work attitude which a committed and responsible Commissioner should adopt. As such, we condemn him in this respect. Therefore, we use extremely strong wordings in the report to point out

that his work attitude and performance are unacceptable to the public and these have seriously damaged the image and practices of the ICAC.

An alternative report is presented to implore the public to face the incident squarely on the one hand and to put forth six suggestions to the ICAC and the Bureau on the other. Our focus is not merely on condemning Timothy TONG, but also on preventing the recurrence of similar incidents in future. Five of the six suggestions we made are set out below:

- (1) The ICAC should disclose the investigation results of the Timothy TONG incident to the public, demonstrate to the citizens that the ICAC has made every effort to carry out an in-depth investigation, and restore the confidence of the public in the ICAC;
- (2) The Government should refer to the Code of Ethics of the ICAC to commence a thorough internal investigation on Timothy TONG for damaging the image and tarnishing the reputation of the ICAC, and he should be punished accordingly;
- (3) The Government should refer to the Report of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interest produced by the former Chief Justice of the Court of Final Appeal Andrew LI as the blueprint for designing a code of conduct applicable to the Commissioner. In other words, the Government should adopt the recommendations made by the former Chief Justice of the Court of Final Appeal Andrew LI in his report to formulate a code of conduct applicable to the Commissioner;
- (4) The announcement mechanisms for the appointment of the Commissioner should be enhanced to prevent future situations similar to the appointment of Mr TONG after he had left the Civil Service in 2009 and changed to contract terms and took up the post of the Commissioner without any announcement made. Also, the appointment mechanism for the Commissioner should be made more specific and transparent so that the public's rights to access to information and the accountability system can both be enhanced; and

- (5) Internal mechanisms and channels should be set up in the ICAC for officers of the ICAC to make complaints safely when they discover that their supervisors, senior officers or even the Commissioner have made similar mistakes. Under the proposed mechanism, the complaints will be referred to The Ombudsman and the Chairman of the ICAC Complaints Committee, so that officers of the ICAC will be provided with a channel for lodging complaints.

Why is the last suggestion so important? For in the Timothy TONG incident, we notice that many senior officers actually knew about the situation. But why did they not come forward to testify ...

PRESIDENT (in Cantonese): Mr KWOK, you should not add any content not included in the script.

MR DENNIS KWOK (in Cantonese): I am just explaining the sixth suggestion.

PRESIDENT (in Cantonese): Please speak according to the script.

MR DENNIS KWOK (in Cantonese): Therefore, we have put forward six suggestions to prevent the recurrence of similar incidents in the ICAC in future.

We agree unanimously that we need to draft another report to examine the impact of the Timothy TONG incident on Hong Kong society and the anti-corruption work of the ICAC from a different perspective, and to briefly describe our views and suggestions. We will not describe our report as a minority report, for though we are the minority among the 13 members of the Select Committee, we believe that in the mind of 7 million people in Hong Kong, our views represent the majority of them. Therefore, this report is indeed a majority report.

I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Political Requirements for Judges and Other Judicial Personnel

1. **MR ALAN LEONG** (in Cantonese): *President, last month, the State Council published the White Paper on "The Practice of the 'One Country, Two Systems' Policy in the Hong Kong Special Administrative Region" (White Paper). Section 3 in part V of the White Paper points out that "Hong Kong people governing Hong Kong" means that "Hong Kong must be governed by the Hong Kong people with patriots as the mainstay", and those who administrate Hong Kong (including judges of the Courts at different levels and other judicial personnel) "have on their shoulders the responsibility of correctly understanding and implementing the Basic Law, of safeguarding the country's sovereignty, security and development interests, and of ensuring the long-term prosperity and stability of Hong Kong" (political requirements). Subsequently, the Secretary for Justice told the media that "as judges have to swear in when assuming office, this is already a manifestation of 'loving the country and Hong Kong' from a legal perspective". However, the judicial oath to be taken by Judges upon assumption of office does not include the political requirements mentioned in the White Paper. In this connection, will the Government inform this Council:*

- (1) *whether the existing political system in Hong Kong requires Judges and other judicial personnel to love the country and Hong Kong; whether it has examined how the requirement for such personnel to love the country and Hong Kong manifests from a legal prospective, including what other requirements such personnel must comply with, apart from swearing in pursuant to Article 104 of the Basic Law when assuming office;*
- (2) *whether it has examined the impacts of the aforesaid political requirements for Judges and other judicial personnel, as put forward in the White Paper, on their discharge of official duties; whether they are required, in handling cases, to consider how to comply with such political requirements; and*

- (3) *if it has examined where Judges, in presiding over cases, have arrived at contradictory conclusions by interpreting the law according to the common law principles and by considering how to comply with the political requirements, whether they should deliver judgments on the basis of the former or the latter; whether Judges are required to bear any consequence when their judgments delivered in accordance with the common law principles are regarded by the Central Government as jeopardizing the country's sovereignty, security or development interests?*

SECRETARY FOR JUSTICE (in Cantonese): President, since the establishment of the Hong Kong Special Administrative Region (HKSAR), the legal and the judicial systems of the HKSAR have achieved smooth continuity and development under the safeguards of the Basic Law. Judicial independence and the rule of law are important core values of the Hong Kong society. The Basic Law provides a solid legal basis for our judicial independence.

According to Articles 2 and 19 of the Basic Law, the HKSAR enjoys independent judicial power, including that of final adjudication. Section 4 of Chapter IV of the Basic Law contains the provisions concerning the Judiciary of the HKSAR. Amongst others, Article 85 of the Basic Law clearly states that the Courts of the HKSAR shall exercise judicial power independently, free from any interference. The appointment and security of tenure of Judges are expressly provided for in the main provisions concerning the Judiciary in the Basic Law. According to Articles 88 to 90 of the Basic Law, the appointment and removal of Judges shall follow established procedures. The remuneration and benefits enjoyed by Judges are safeguarded by the law. Judgments made by Judges are wholly based on the applicable law and relevant evidence, free from any interference by any person (including the executive authorities).

After China resuming the exercise of sovereignty, the Judiciary exercises its independent judicial power, including that of final adjudication, in accordance with the Basic Law, and has made great contribution to the rule of law of the HKSAR. The HKSAR Government has all along attached great importance to the rule of law and judicial independence, and the Department of Justice will continue to endeavour to uphold the rule of law and judicial independence.

The White Paper published by the State Council last month on the practice of the "one country, two systems" policy in the HKSAR aims to set out and summarize systematically the implementation of the "one country, two systems" policy in the HKSAR. It has no intention of interfering with the rule of law or judicial independence of the HKSAR. Neither does it impose any new requirements on the Judiciary or its members on top of those contained in the Basic Law. Instead, the White Paper repeatedly reiterates that the HKSAR enjoys independent judicial power, including that of final adjudication. For example, section 2 of Part II clearly states that the Courts of the HKSAR at all levels exercise their judicial power independently in accordance with the law.

(THE PRESIDENT'S DEPUTY, Mr Andrew LEUNG, took the Chair)

Moreover, as emphasized by the spokesman of the Hong Kong and Macao Office of the State Council at a media interview on 11 June, the "one country, two systems" policy is a basic State policy; and that the basic policies of the Central Government regarding the HKSAR remains unchanged. In other words, the basic policy of the Central Government that the HKSAR enjoys independent judicial power, including that of final adjudication, also remains unchanged.

My reply to the three-part question raised by Mr Alan LEONG is as follows:

- (1) Chapter IV of the Basic Law makes detailed provisions for the political structure of the HKSAR. "Political Structure" includes the Chief Executive, the Executive Authorities, the Legislature, the Judiciary, District Organizations and Public Servants. As we understand, when section 3 of part V of the White Paper includes Judges and members of the Judiciary among "those who administrate Hong Kong" and "Hong Kong's administrators", it only meant to say that Judges and members of the Judiciary are part of the HKSAR's political structure as provided in Chapter IV of the Basic Law, and not part of the executive authorities. In explaining the legal basis of the requirement that Hong Kong must be governed by patriots, the said section points out that the taking of the oath by Judges and members of the Judiciary upon assumption of office to uphold the Basic Law and swear allegiance to the HKSAR of the People's

Republic of China pursuant to the Basic Law and the Oaths and Declaration Ordinance (Cap. 11) is already a legal manifestation of the requirement of "loving the country and Hong Kong". Considering the relevant parts in their proper context, the White Paper in this regard is clearly just an overall observation, and not an introduction of any new requirement for Judges and members of the Judiciary, still less any interference of judicial independence.

(2) and (3)

The duty of Judges is to adjudicate cases and decide on the parties' rights and obligations in accordance with the relevant law and evidence. Article 85 of the Basic Law guarantees that Judges can exercise judicial power independently, free from any interference. Judges will not be influenced by any political considerations or personal interests. This accords with the judicial oath they take upon assumption of office.

As a matter of fact, since China resuming the exercise of sovereignty, Hong Kong residents have enjoyed the right to institute legal proceedings in the Courts against the acts of the executive authorities and their personnel under Article 35 of the Basic Law. In judicial review applications heard before the Courts in Hong Kong, it is quite often that applicants seek a declaration by the Court that a policy of an executive authority or a statutory provision enacted by the legislature is in contravention of the Basic Law. The executive authority as a party to these cases will respect the judgments of the Court and will endeavour to implement the judgments in an appropriate manner.

The White Paper does not demand members of the Judiciary or Judges to take into account any political or other inappropriate considerations in adjudicating cases. As I have said at the outset, the White Paper aims at setting out the implementation of the "one country, two systems" policy in the HKSAR and has not gone beyond the framework of the Basic Law. Accordingly, the White Paper would not give rise to any adverse impact on the Judiciary or members of the Judiciary in the performance of their duties.

MR ALAN LEONG (in Cantonese): *Deputy President, the Secretary for Justice has answered my main question in his reply of more than two pages evasively with the sole purpose of telling Hong Kong people that there is no problem and they can rest assured. However, the statement which can make Hong Kong people feel assured is the remark of the Secretary for Justice when he served as Chairman of the Hong Kong Bar Association (Bar Association) in 2008. In a statement released on 9 July, he made this remark: "The judiciary is not and should not be seen as part of the governing team."*

Deputy President, may I ask the Secretary whether he, in his current capacity, can repeat the remark again? If he can do so, we will feel most relieved.

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, two days after the publication of the White Paper, I explained to the media and the public twice respectively that the Judiciary, executive authorities and legislature are the three branches of a government, which is a common saying in English.

In 2008, the statement I made in my capacity as Chairman of the Bar Association was a response to an incident back then. As I explained to the media after the publication of the White Paper, what I meant in the statement is that the Judiciary should not be considered as part of the executive authorities. I still uphold this view even now. On the following day after the publication of the White Paper, I reiterated that this view was correct and also explained precisely why in Chapter IV of the Basic Law on Political Structure of the HKSAR, there are separate sections on the Chief Executive, the Executive Authorities, the Legislature and the Judiciary.

I can reiterate that the Judiciary of Hong Kong is not part of the executive authorities. Under the protection of the relevant provisions of the Basic Law, the Judiciary of Hong Kong is independent of the executive authorities, and able to exercise the power of trial independent of the executive authorities, which is guaranteed by the relevant provisions of the Basic Law.

MR ALAN LEONG (in Cantonese): *Deputy President, the Secretary has not answered my supplementary question. My supplementary question is: Is he willing to reiterate the remark he made on 9 July 2008, that is, "The judiciary is not and should not be seen as part of the governing team"?*

DEPUTY PRESIDENT (in Cantonese): Mr LEONG, you have made it very clear. Secretary, do you have anything to add?

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, I have already answered Mr Alan LEONG's supplementary question actually. As I mentioned earlier, the "governing team" I mentioned back then means the executive authorities. This is why I made a clear explanation on the next day after the publication of the White Paper. The statement I made just now is a more detailed presentation. So, I do not think I have not answered Mr Alan LEONG's supplementary question.

MR ALAN LEONG (in Cantonese): *Deputy President, what should be recorded in Hansard is: the Secretary is unwilling to reiterate this point.*

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, I do not agree with the statement of Mr Alan LEONG.

DR LAU WONG-FAT (in Cantonese): *Deputy President, the White Paper released by the Central Government is published in seven different languages, in addition to the Chinese and English versions, with the purpose of informing the international community of how "one country, two systems" is implemented in Hong Kong. I have noticed that some people in the community have, after reading the English version, raised some views. According to them, there are discrepancies between the translated version in English and the Chinese version of the White Paper in terms of some wordings. May I ask how the SAR Government will deal with any discrepancy between the Chinese and English versions, if any?*

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, in addition to the Chinese version, the White Paper has also been published in seven different languages with the purpose of informing the international community of how "one country, two systems" is implemented in the HKSAR. I have also noticed some people in the community pointing out that there may be discrepancies between the English translation and the Chinese version. There are also views that the English translation could be rendered in a different way. I believe when

we read the White Paper, the Chinese version should prevail. If Members have any comments on the English translation, I believe the authorities concerned are prepared to give consideration.

MR DENNIS KWOK (in Cantonese): *Deputy President, 1 800 legal professionals dressed in black, including nine ex-chairmen of the Bar Association, marched in silence on 27 June. Secretary, you were certainly not there. Why did they take to the street? The reason is simple. Because they see that the White Paper will have serious impact on Hong Kong's judicial system, particularly judicial independence. We can see the response of the Secretary after the march by the legal profession, when he spoke like a smooth-talker, trying to explain the White Paper or cover up for it.*

My supplementary question is: Why can the Secretary not be above board and come forth to tell the public that the basic political requirements for Judges (including being patriotic) in the White Paper should definitely not be accepted in the judicial system and the Basic Law? How can political requirements be imposed on Judges, particularly they are required to be patriotic? Why does the Secretary not rise and say clearly today that the requirement is not acceptable in the judicial system of Hong Kong?

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, Hong Kong people, including the legal sector, have the right to express their views on the White Paper in their own way, including the march in silence on 27 June as mentioned by Mr Dennis KWOK. Their intention is clear, that is, to express their stance that they wish to uphold judicial independence.

The SAR Government has also noted that the legal profession has a different interpretation of the White Paper. Although some of the legal professionals, possibly including those who participated in the march that day, hold views different from that of the Government, I think the most important point is that the SAR Government respects the rule of law and will continue to endeavour to uphold the judicial independence of Hong Kong.

Just now Mr Dennis KWOK asked why we did not respond by repeating the same remark mentioned by him when the march was going on. The reason is very simple. As I said at the outset in response to Mr Alan LEONG's

question, we believe the White Paper is not an introduction of any new requirements beyond the framework of the Basic Law, and the publication of the White Paper will not constitute any negative impact on the rule of law condition or judicial independence of Hong Kong. So, we have all along reiterated that the HKSAR Government, including the Department of Justice, will continue to respect and uphold the rule of law in Hong Kong.

MR WONG KWOK-KIN (in Cantonese): *Deputy President, after the publication of the White Paper, I noticed that there are many different interpretations of the White Paper in the community, certainly including the legal profession. But we still have not heard any official interpretation by the authority, namely the State Council, which has published the White Paper. Now, the Government and the Secretary are requested to give an explanation and I believe this is a very difficult task. So, I have the following question. If the SAR Government is not authorized by the Central Government to explain the White Paper, will the SAR Government request that an official be assigned by the Central Government to give an official interpretation? This will be more desirable than the current chaotic situation of different interpretations.*

SECRETARY FOR JUSTICE (in Cantonese): *Deputy President, I believe we all remember that after the publication of the White Paper, there was a saying that officials from the Central Government would come to Hong Kong to hold a seminar on the White Paper. This activity was subsequently postponed. To my understanding, this activity will be arranged in the future. I believe officials from the Central Government will come to Hong Kong to explain the White Paper and hold discussions with relevant parties in Hong Kong.*

DR CHIANG LAI-WAN (in Cantonese): *Deputy President, after the publication of the White Paper, do Hong Kong people really feel worried as Mr Alan LEONG claimed? In fact, no one can really tell us what makes the White Paper different from the Joint Declaration and the Basic Law. In contrast, Hong Kong people are more concerned about why so many members of the judicial sector staged a march in silence simply because the words "loving the country and Hong Kong" are mentioned in the White Paper.*

May I ask the Secretary whether an analysis of such a strange phenomenon has been conducted? Judges in many countries around the world have to swear allegiance to the country upon assumption of office.

SECRETARY FOR JUSTICE (in Cantonese): Deputy President, I believe that the legal profession held and participated in a march in silence because they very much treasure the rule of law and judicial independence in Hong Kong. I believe their stance is no different from that of the Government which respects and upholds the rule of law and judicial independence.

About Dr CHIANG's question, I think an analysis can be made from two different perspectives. First, as pointed out by Dr CHIANG, in other countries including the United Kingdom, the United States, Australia and Scotland, Judges are sworn in by taking one or two types of oaths, in which the concept of "loyalty" or the term "allegiance" is adopted. From the legal perspective, the word "allegiance" has at least four different meanings, including allegiance to the law. Precisely because of this, the oath is related to sovereignty.

Second, the legal profession or members of other sectors in society should analyse in a rational and objective manner whether "loving the country and Hong Kong" certainly contradicts judicial independence. To put it simply, judicial independence, which is a commonly used phrase, means that when handling a lawsuit or case, the Judge concerned is not influenced by any person, and the Judiciary is not subject to the influence of the executive authorities or any other organizations. Will a person who loves the country and Hong Kong definitely act in a manner that is incompatible with judicial independence or be unable to uphold judicial independence? This question merits some thinking and rational analysis by us.

As Members pointed out earlier and I have also mentioned that the oaths taken by Judges in many other countries also include the concept of or word "allegiance". If we go to the United States and ask the Americans and Judges there whether they are patriotic, I believe the answer is crystal clear.

DEPUTY PRESIDENT (in Cantonese): Second question.

Promotion of Vocational Education

2. **MISS ALICE MAK** (in Cantonese): *Deputy President, the Government announced on the 3rd of last month the establishment of a Task Force on Promotion of Vocational Education (Task Force) with immediate effect. The function of the Task Force is to advise the authorities on the strategy and concrete proposals for the promotion of vocational education in the community, so as to raise public awareness and recognition of vocational education. It is learnt that the composition of the Task Force comprises people from different sectors, except for representatives from the labour sector. In this connection, will the Government inform this Council:*

- (1) *of the criteria adopted by the Government for deciding the composition of the Task Force, and the reasons for not appointing representatives from the labour sector to the Task Force; when the Task Force commences its work and the expected time for it to put forward concrete proposals;*
- (2) *whether it will consider appointing representatives from the labour sector to the Task Force, so as to ensure that the work of the Task Force will not be reduced to a vanity project; if it will, when it will make such appointments; if not, the reasons for that and given the absence of representatives from the labour sector, how it ensures that the strategy and proposals put forward by the Task Force will be comprehensive, recognized and impartial, and be able to dovetail with the practical situations of various industries and the needs of front-line employees; and*
- (3) *whether it has formulated any measures that can be implemented before the Task Force submits its report, so as to reinforce and promote vocational education, such as immediately reviewing the Apprenticeship Ordinance, which has been in force since 1976, and extending and consolidating the apprenticeship schemes which fall outside the aforesaid Ordinance, in order to perfect the apprenticeship system; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, vocational education plays a pivotal role in the education system, integrating education and employment as well as providing flexible multiple pathways for young people. As a follow-up to the announcement made by the Chief Executive in the 2014 Policy Address, the Government established the Task Force on 3 June 2014. The Task Force will advise the Secretary for Education on a strategy and concrete proposals to promote vocational education in the community, raising the awareness and recognition of students, parents, teachers, schools and the general public of vocational education.

(1) and (2)

The Education Bureau has taken into account that the terms of reference of the Task Force is to promote vocational education, and therefore members of the Task Force are drawn from relevant backgrounds, including those from the vocational education and training sector, various business and industries, as well as those possessing good knowledge of education, parent education, youth and public relations. In order to widely promote vocational education, we need to change the entrenched bias among some of the general public towards traditional academic pursuits. To ensure that the promotion of vocational education aligns with the needs of various relevant industries as far as possible, the participation of employers is also important. In this connection, members of the Task Force also include representatives from various business and industries.

The labour sector has all along been a key stakeholder supporting the promotion of vocational education and training. As such, the Education Bureau has earlier issued letters to major trade unions inviting them to put up their views and suggestions on how to better promote vocational education. In addition, the Task Force also plans to organize focus group meetings in July and August 2014 through a consultant to gauge the views of relevant stakeholders (including major trade unions) on promotion of vocational education in Hong Kong.

The Task Force convened its first meeting on 4 June 2014, and is expected to submit a report to the Secretary for Education within a year. In implementing concrete proposals on the promotion of vocational education, the Education Bureau will work closely with the vocational education and training providers, including major trade unions.

- (3) The Chief Executive announced in the 2014 Policy Address that the Government will implement measures to strengthen life planning and vocational education in the following ways:
- (i) With effect from the 2014-2015 school year, schools operating senior secondary education levels will be provided with a recurrent grant to enhance life planning support services. Besides, the Education Bureau will expand its Career Guidance Team to strengthen professional support services to schools to take forward a paradigm shift towards life planning education in a more co-ordinated and systematic manner;
 - (ii) The Vocational Training Council (VTC) will implement the Pilot Training and Support Scheme, which aims to attract young people to pursue vocational education and develop a career in specific industries by integrating structured apprenticeship training programmes with clear career progression pathways. The scheme will benefit 2 000 students in total, targeting Secondary Three to Secondary Six school leavers and eligible adult learners;
 - (iii) Recurrent funding is allocated to the VTC for providing industrial attachment opportunities for all students of Higher Diploma programmes and students of some Diploma in Vocational Education programmes. It is estimated that the programme will benefit over 9 000 students in the VTC every year; and
 - (iv) The Qualifications Framework (QF) Fund is proposed to be established with a fund allocation of \$1 billion to provide a steady source of income to support the sustainable development and implementation of the QF.

On apprenticeship training, apart from the statutory Apprenticeship Scheme, the VTC has also launched the Modern Apprenticeship Scheme and the traineeship scheme for the service industries. The Modern Apprenticeship Scheme mainly provides more flexible and shorter pre-employment training programmes on skills at a lower level; whereas the traineeship scheme applies the mode of training-cum-work and provides structured on-the-job training in more advanced skills.

The existing training schemes were developed in response to various demands of the trades and trainees in terms of the nature of trades, training needs and training levels. The Government is ready to continue listening to the community's views on these training schemes, and consider whether and how the relevant schemes should be improved or consolidated.

MISS ALICE MAK (in Cantonese): *Deputy President, in the Secretary's reply to my question, in parts (1) and (2), it is said that as the Task Force needs to widely promote vocational education, to ensure that the promotion of vocational education aligns with the needs of various relevant industries as far as possible, the participation of employers is important. May I ask the Secretary if he considers representatives from the labour sector unimportant, therefore, in the promotion of vocational education, there is no need for the labour sector to be represented, so the Government did not appoint any representatives from the labour sector? Or does the Government think that the labour sector does not know how to promote vocational education, so it did not let us join the Task Force?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank the Member for asking this very important supplementary question. Here, I wish to clarify that the Task Force will take forward its work in the form of groups as soon as possible. The first contact made by us were by way of writing to major trade unions, and there will also be focus group meetings in July and August. We hope very much to gauge the views of various parties. If necessary, the membership of the Task Force can be increased at any time, or dedicated working groups can be set up to take forward the relevant work. Therefore, the labour sector is a very important dimension in promoting the overall effort.

MR IP KIN-YUEN (in Cantonese): *Deputy President, I also agree that members of the labour sector should be included in the Task Force. Apart from this issue, we can also see that the Task Force is responsible for promotion, but what actually is vocational education? Is it the ongoing efforts we can find in Hong Kong all along or are there new plans? Are the new plans those mentioned in the reply just now, such as life planning and pilot training? We can call the efforts "promotion" only if there are details in terms of substance. Therefore, may I know if, among the schemes under vocational education, apart from those mentioned in the reply, there are no other new schemes currently? Or are there new schemes, and in that case, can they be disclosed to us here?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank Mr IP for his supplementary question. At the level of vocational education as a whole, in fact, the promotion in Hong Kong is already quite wide and extensive. It includes 250 000 trainee places in the VTC, some 70 000 trainees under the Construction Industry Council, some 4 000 trainees under the Clothing Industry Training Authority and 130 000 trainees under the Employees Retraining Board. Together with the 48% of employees covered by the 20 industries under the QF in Hong Kong, the scope is very extensive. We believe the principal foremost premise is: The meaning of promotion is to see how best the correct understanding and recognition of vocational education is promoted and this is the major premise. We believe that in the past, be it parents, students or the general public, they probably did not have a correct and positive perception of vocational education, so the main function of the Task Force is to carry out promotion.

DEPUTY PRESIDENT (in Cantonese): Mr IP, which part of your supplementary question has not been answered?

MR IP KIN-YUEN (in Cantonese): *My supplementary question is about whether or not any new proposals are in the pipeline. Judging from what I heard just now, I think there was no reply in this regard. Does it mean that there is none? In fact, at present, only the existing measures in vocational education are being implemented.*

SECRETARY FOR EDUCATION (in Cantonese): I thank the Honourable Member for his question. In giving the reply just now, I mainly wanted to point out that we have already in place fairly systematic general efforts, measures and courses related to vocational education. The important point is that many members of the public lack a correct and proper understanding of the courses provided at present. For this reason, by promotion it is meant to enhance the acceptance, recognition and understanding of the existing courses.

MISS CHAN YUEN-HAN (in Cantonese): *First, let me declare my background. I had served as a member of the VTC for six years and was one of the representatives of the labour sector appointed by the Government. It is a statutory requirement to have representatives of employers and employees in the VTC. The Secretary also mentioned in part (3) the co-operation with the VTC just now. Why does the law require that representatives of the labour sector and business sector must be included in the VTC? This is because vocational training is involved and in vocational training, various kinds of experience have to be offered according to the various types of industries involved. Now, when it comes to the conduct of promotion, it is said that there is no need for any representatives of the labour sector, so what kind of rationale is this? The Secretary talked about a host of criteria for the composition. I do not deny that you have the responsibility but the question is: Why is it that there are representatives of the business sector but not any representatives of the labour sector? I do not mean to suggest that the labour sector must always be pitted against the business sector, "Master TIEN". We are not debating this aspect, rather, it is a must to have representatives of the labour sector when it comes to vocational training.*

Deputy President, I also once played a part in an on-the-job training programme, which was meant to enhance the skills of trade practitioners and in this programme, the labour sector was also represented. For this reason, I find the claim that no labour representation is necessary very strange, so what kind of argument is this, Secretary? Who told you there was no need for any representatives of the labour sector in the Task Force? The Task Force is obviously designed to promote vocational education, so why were not representatives from a wide array of trades and industries included in it? I just cannot figure this out despite having done some hard thinking about it, Deputy President.

DEPUTY PRESIDENT (in Cantonese): Miss CHAN, what is your supplementary question?

MISS CHAN YUEN-HAN (in Cantonese): ... *I hope the Secretary could explain clearly if this is because he has singled out the labour sector for discrimination or his focus is mainly on education. I cannot see any importance being attached to the labour sector. Does he think they are useless? I hope he can give me a reply.*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank the Member for giving me an opportunity to make a clarification once again. The labour sector is a very important partner but why did we not make any appointment when launching such an effort? In fact, when the Task Force initially launched its work, we immediately invited three major trade unions to offer their views, then arranged for focus groups to study what the most important and appropriate form of participation should be. It is purely because of this factor, that is, examining how best we can enable the labour sector to participate in this initiative more systematically and on a large scale. It is purely attributable to this concept.

DEPUTY PRESIDENT (in Cantonese): Miss CHAN, which part of your supplementary question has not been answered?

MISS CHAN YUEN-HAN (in Cantonese): *Deputy President, he has not given me an answer. I was asking him why representatives of the labour sector were not included in the Task Force. Even in the case of the on-the-job training programme of the VTC, there had to be representatives of the labour sector ...*

DEPUTY PRESIDENT (in Cantonese): What is the thrust of your supplementary question?

MISS CHAN YUEN-HAN (in Cantonese): *He did not reply as to why there are no representatives of the labour sector in the Task Force, for he only said that he had consulted ...*

DEPUTY PRESIDENT (in Cantonese): You have already asked your follow-up question. Secretary, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): I said just now that we would launch our work as soon as possible, then identify the best approach and invite members of the labour sector to join the Task Force, including becoming its members, or enable the labour sector to take part through special groups or in other forms, whereas the work already started mainly takes the form of questionnaires and focus groups. However, if Members consider this really very important, I will carry out further studies on going back and may expedite the invitation of representatives of the labour sector to join the Task Force. However, we also have to collect more views.

MR POON SIU-PING (in Cantonese): *Deputy President, I welcome the establishment of the Task Force by the Government and of course, we are disappointed by the absence of representatives of the labour sector in it. I am concerned about the many channels for young people to pursue further studies. Apart from universities, there are also Project Yi Jin, higher diploma programmes, associate degree programmes and even apprenticeships. All of them compete for young students. In particular, there are many problems with associate degree programmes. May I ask the Secretary if the Government has any plans to conduct a blanket review of the aforementioned programmes, so that the use of education resources can be rationalized?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank the Member for his question.

This is an excellent question. I have given a reply on the relevant programmes earlier on, saying that the total number of trainees stood at hundreds of thousands and there were several dozen programmes. Our major premise is that we have to understand the general views of students, parents, employers and the public on these types of programmes and their knowledge of them, gather

information in a more systematic manner, and then carry out effective promotion. This is the premise.

Moreover, we understand that after receiving senior secondary education, students have too many channels open to them and this makes it impossible for them to stay fully focused. For this reason, we will provide secondary schools with additional resources to offer comprehensive life planning education, so as to assist students in making choices in a more systematic and informed manner.

MR TANG KA-PIU (in Cantonese): *Deputy President, as a Member from the labour sector, I am certainly surprised and find it regrettable that when conceiving this Task Force, the Education Bureau initially did not even think of the need to invite people from labour groups to join it.*

But I wish to ask a question related to the dimension of education. In the past, the Government had 19 prevocational schools but now, no such schools can be found at all and only several schools called senior secondary schools persevering in their forlorn efforts to give students a vocation-oriented education at the secondary level remain. However, the mainstream trend in society is, to give it a more positive spin, to focus on obtaining a diploma. Yet, on a more negative note, it is to keep studying and defer graduation and working in society. Since the Secretary has such great boldness in evidently proposing so many plans, may I ask him if vocational education in the future will simply continue to be entrusted to the VTC, or will such schools as prevocational schools be re-established at the secondary level and the support given to senior secondary schools under the new system be strengthened?

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank the Honourable Member for his question.

One of the problems precisely lies in this area. For this reason, the Task Force will look more comprehensively into the knowledge and understanding of the existing channels of vocational education of society as a whole. I wish to add a few words in relation to a point mentioned just now. At the secondary level, in the reform of senior secondary education this time around, a very important new element was added, that is, there are 37 applied learning courses. This is another kind of promotion. Through the provision of applied learning courses by professional or occupational groups, vocational education is provided

by another means. They can work, they can continue to pursue further studies and they can embark on professional or tertiary education pathways. Therefore, we hope that through the Task Force this time around, the wisdom and views of all parties in these several areas can be pooled to look more comprehensively at how this can be implemented effectively.

MR TANG KA-PIU (in Cantonese): *Deputy President, the Secretary did not give me a reply as to among menu a, menu b and menu c, which menu he would choose. Will he concentrate the resource commitment on the VTC, strengthening the support for senior secondary schools or re-establishing prevocational schools?*

SECRETARY FOR EDUCATION (in Cantonese): *Deputy President, I said just now that currently, the providers of courses can be classified into a number of areas and we would not request a certain provider to provide specific courses. Precisely for this reason, many other vocational training organizations, sectors and industry players have also played a part in offering their views at this level, so the promotion will not be focused on a particular provider. Therefore, it would be more comprehensive and fairer. Moreover, promotion will be made according to the needs and relevant special skills.*

IR DR LO WAI-KWOK (in Cantonese): *Deputy President, in his reply, the Secretary mentioned in particular that with effect from the 2014-2015 school year, schools operating senior secondary education levels will be provided with a recurrent grant to enhance life planning support services. Deputy President, I find such an approach very desirable. However, when schools participate in the relevant activities, for example, when the engineering sector offers such activities as giving presentations on the professional development in the engineering field to secondary schools, in fact, the enthusiasm of schools in participation varies greatly. In particular, schools with students of a higher standard may have less enthusiasm in arranging for such activities. For this reason, I am very interested in knowing about the scale of the relevant programme, for example, the amount of annual recurrent grant for this, how promotion will be conducted and whether or not they can be extended to all schools operating senior secondary education levels?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I thank the Honourable Member for asking the supplementary question and also for his support. This is a very important new initiative and we hope that the some 480 secondary schools throughout Hong Kong can all take part in it. The support that each school will receive is a minimum of \$480,000 to \$500,000 in recurrent expenditure each year and they can carry out promotion by way of special groups. According to our preliminary understanding, various schools are at different stages and they will also get in touch with the business sector. Moreover, their experience in providing psychological tests to students also varies, so a more comprehensive and gradual and orderly approach is adopted in implementation. Moreover, in the whole process, we also require professional bodies ... for example, the Hong Kong Association of Careers Masters and Guidance Masters has implemented this for some years and there are also instances of success in the business sector that can serve as one of the implementation models to which we can make reference. Generally speaking, we are confident that this can be fully implemented and if all aspects can dovetail with one another, a common model will appear in Hong Kong very soon, and the professions in this regard will mature gradually to become the genetic component of almost all secondary schools.

DEPUTY PRESIDENT (in Cantonese): Third question.

Importation of Construction Workers

3. **MR JAMES TIEN** (in Cantonese): *First of all, Deputy President, I would like to declare that I carry on a real estate development business, and so I am indirectly affected by the manpower shortage in the construction industry.*

Deputy President, at present, a number of public housing and infrastructure works projects have encountered one after another problems of cost overrun or delays. Some members of the community have pointed out that manpower shortage in the construction industry is one of the causes of such problems. In this connection, will the Government inform this Council whether it will, by making reference to the arrangements made between 1990 and 1999 when the New Airport and Related Projects were being carried out, consider afresh the introduction of a special labour importation scheme for public housing and infrastructure works projects, so as to ensure that such works projects will be

completed on schedule, thereby addressing the housing needs of the grassroots as early as possible and maintaining sustained development of Hong Kong's economy; if the Government will not consider introducing such a scheme, of the specific reasons for that, and whether it has assessed the specific impacts of labour shortage on such works projects?

Deputy President, since two Secretaries are responsible for answering this question, I hope that more Members can listen to their replies. I therefore request a headcount.

DEPUTY PRESIDENT (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)

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, the Government aims to complete various public housing and infrastructure projects within budget and on schedule in order to resolve housing problems of the public, improve their quality of life and living environment as soon as possible, and enhance the long-term competitiveness of Hong Kong. Nevertheless, according to past experience, serious delays for some major projects were mainly due to unforeseen circumstances, including legal challenges, judicial reviews and prolonged public consultation. As for the expenditure of public works projects, although individual projects have required additional funding according to their actual circumstances, we generally managed to complete the relevant projects under the Capital Works Programme within the original Approved Project Estimates.

As regards manpower resource, we are well aware that Hong Kong is facing the situations of ageing population and dwindling labour force. Coupled with the onset of major infrastructure projects and other construction projects in recent years, the construction industry is facing the problems of ageing workforce, shortage of skilled workers and skills mismatch. If there are insufficient skilled workers to meet the demand of the construction industry, the development of Hong Kong will be hindered.

My reply to Mr James TIEN's question is set out below:

We have deployed a series of measures since 2008-2009 to address the manpower challenges of the construction industry. We collaborate with the Construction Industry Council (CIC) to adopt a multi-pronged approach with the aim of addressing the demand for skilled workers in the construction industry. Relevant measures include enhancing training and construction productivity, stepping up publicity and promotion, and improving the working environment for workers and construction site safety, and so on.

On the training front, we have obtained a total of \$320 million from the Legislative Council in 2010 and 2012 to support the CIC to strengthen its role in training local construction personnel and enhance promotion and publicity efforts to attract more people, especially young people, to join the industry. Since the launch of these training initiatives, the CIC has substantially increased the number of training places over the past years.

Although these initiatives have been implemented smoothly and attained certain achievements, the shortage problem of skilled workers has yet to be fully resolved. Further, according to the CIC's forecast, the overall construction output will be maintained at a high level which will put further strain on the manpower situation of the construction industry.

We will continue to strive to meet the manpower demand by training and retraining local workers and attracting more new entrants to join the construction industry. However, there are certain limitations in training local workers. For instance, the graduate trainees are semi-skilled workers who would need time and on-site practice for them to be nurtured as skilled workers, but there are insufficient in-service skilled workers to nurture them. Further, the productivity of in-service skilled workers will also be affected by nurturing the semi-skilled workers.

In this connection, with due regard to the principle of not affecting the employment and not lowering the wages of local workers, we need to import skilled workers in a timely manner. This will not only help meet the manpower demand of the industry but will also make room for the local in-service skilled workers to nurture the semi-skilled workers.

If we cannot import skilled workers in shortage in a timely manner, it will lead to delay and deferral in the commencement of worthwhile construction projects and affect the employment opportunities of construction workers, in particular the skilled workers not in shortage and general workers. Further, it will lead to a more acute construction peak several years later, which may result in even higher project prices and further strain the manpower situation. At the same time, realization of the economic and social benefits of these projects will also be deferred.

Our current arrangement is to work together with the Labour Department (LD) to do better preparatory work for Supplementary Labour Scheme (SLS) applications related to public sector works, with a view to saving time for administrative work. It facilitates timely import of skilled workers for public sector works in genuine need and so relieves the shortage of skilled workers of the whole construction industry. This arrangement will not change the existing mechanism of the SLS and not adopt a quota approach to process applications. The Labour Advisory Board (LAB) agreed to accept this arrangement at its meeting on 26 March 2014. We opine that this arrangement is most appropriate and acceptable to the relevant stakeholders for the time being. This arrangement has just been approved for launching. We will liaise closely with the LD and the industry to review the effectiveness of the arrangement in due course and act as appropriate.

We have also considered Mr TIEN's proposal of making reference to the labour importation approach adopted during the era of construction of the Chek Lap Kok Airport. Except for the quota approach adopted in processing the applications for importation of workers for the airport and related works, its main procedures are similar to those of the current SLS. Their similarities include that applications were considered case by case; contractors were required to undertake four-week local recruitments to employ local workers at wages not below the median wage levels; when the applicant contractors could not recruit sufficient local workers through the above recruitment exercise, applications would be considered by a working group specifically set up for the scheme. Therefore, at this stage, we will not introduce a special labour importation scheme for public housing and infrastructure projects.

Finally, I hope various stakeholders can fully understand the situation and co-operate to address the challenges of acute ageing, manpower shortage and skills mismatch in the construction industry.

MR JAMES TIEN (in Cantonese): *Deputy President, although the Secretary pointed out in his reply the actual shortage of local workers and many other difficulties in training, he failed to mention the great difficulty in attracting manpower from other industries to join the construction industry, given the extremely low unemployment rate.*

The Secretary also said in the last part of the main reply that it is inappropriate to introduce a labour importation scheme specifically for this purpose at the present stage and expressed his hope for various stakeholders to fully understand the situation and co-operate to address the challenges of acute ageing and manpower shortage. I have this question for the Government. More than 200 000 people are now waiting for public housing and the construction period invariably takes four to five years. Moreover, many sites will be released this year, given the Chief Executive's bid to curb the property prices of private housing. If housing cannot be built on these sites within a couple of years, members of the public simply have no flats to live. The current-term Government, which will end in 2017, has only three years to go but a lot to accomplish. Does it intend to wait for an appropriate time for importation of labour and leave the launch of such relevant work to the next-term Government?

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Development, please.

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, regarding the manpower situation of the construction industry, as I said in my introduction just now, we are still operating in accordance with the mechanism of the SLS. However, with regard to the 26 types of jobs experiencing a manpower shortage, we have discussed with the LAB and obtained its consent to streamline the relevant administrative procedures, such that the vetting and approval of labour importation applications submitted by contractors can be expedited. We consider this an enormous step of progress in facilitating the processing of labour importation applications. However, the endorsement to adopt this method was just given. We think the mechanism should be allowed to operate for a period of time before a review is conducted in the light of the actual circumstances and necessary action or adjustment made as and when necessary.

MR WONG KWOK-KIN (in Cantonese): *Deputy President, as we all know, one of the major side-effects of labour importation is the curbing of wage increases of local employees, which is the labour sector's great concern. The SLS, which is being implemented in Hong Kong, has all along proved effective under a regulatory regime. May I ask the Administration if it wishes to circumvent this existing mechanism by importing labour on a large scale with a view to curbing the wage increases of local employees?*

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Development, please.

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, as I pointed out in the main reply, the existing SLS mechanism will not be changed as a result of this practice. The existing practice only pinpoints some types of jobs about which there is consensus over the shortage of manpower to streamline their application procedures and expedite their vetting and approval formalities. The mechanism *per se* has not been changed in any way, for the LAB's consideration is still required.

MR VINCENT FANG (in Cantonese): *Deputy President, a large number of government works projects which are now in full swing have experienced varying degrees of delay. Not only have all the railway works being carried out by the MTR Corporation Limited (MTRCL) been delayed, but six public housing projects also experienced delays in 2012-2013 ranging from two to seven months, as previously pointed out by the Audit Commission. All these delays were attributed to labour shortage, too. The Shatin to Central Link project being carried out by the MTRCL has also experienced a shortage of 1 000 workers.*

May I ask the Government whether or not a comprehensive review has been conducted on the labour shortage faced by all government projects? Have any statistics been compiled on all the railway projects being carried out by the MTRCL, the Hong Kong-Zhuhai-Macao Bridge projects, and various public housing and Home Ownership Scheme projects with regard to their combined manpower shortage, the manpower shortage experienced by each works project, and the works project experiencing the worst manpower shortage? Can the Government compile statistics in this regard if such reports are unavailable for the time being?

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I would like to thank Mr Vincent FANG for his supplementary question. The causes of the works delays mentioned just now vary, with some being labour shortages and others attributable to other technical problems.

As I pointed out in my main reply, we understand that the construction industry is facing a shortage of skilled workers. For quite some time in the past, the construction industry has been facing the problems of succession and skills mismatch due to a period of depression and an ageing population. The CIC has, for quite some time, endeavoured to train a large number of new hands but, as I explained just now, there are some limitations in training. Graduate trainees are still regarded as semi-skilled workers who need time to polish their skills and receive training.

As regards the question raised by Mr Vincent FANG just now, our method of estimating public sector works projects is to work with the CIC to estimate the overall input level of the public sector and private sector works projects by the construction industry in the future. According to the estimate, the level of input in this regard will be quite high in the future. For instance, the Government's public works expenditure last year was about \$70 billion. The level of expenditure on public works projects in the next few years will remain quite high as quite a number of works projects are still under ongoing. Given the demands in various aspects, such as housing, the input of private sector works will be very substantial.

All in all, the shortfall of skilled workers in the entire construction industry in the next few years is estimated to be around 10 000. In this regard, we have now adopted a multi-pronged method to address the relevant problem.

MR MARTIN LIAO (in Cantonese): *Deputy President, it was pointed out sometime ago by the Hong Kong Construction Association Limited that the construction industry had long been experiencing a shortage of skilled workers, with the shortage rate reaching 74% in certain segments. The problem of manpower shortage is indeed pressing. Despite the numerous measures adopted by the Government in collaboration with the industry to, for instance, attract new entrants to the industry or upgrade technology to reduce the manpower demand, all efforts made are evidently only a drop in the ocean.*

There is indeed a need to review afresh the labour importation scheme in order to resolve the manpower shortage problem in the construction industry thoroughly.

According to the Secretary's reply today, the Government will not consider introducing a special labour importation scheme at the present stage. However, the existing SLS has long been criticized for its stringent and cumbersome vetting and approval formalities which have made it impossible for various infrastructure works to be completed on schedule.

In this connection, may I ask the Secretary what will be done to improve the existing SLS? Although the Secretary mentioned just now that the procedures would be streamlined, I believe the key does not simply lie in streamlining the procedures. May I ask the Secretary what will be done to enhance the flexibility of the vetting and approval and decision-making procedures of the entire scheme and greatly shorten the time required for vetting and approval?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I thank the Honourable Member for the supplementary question. I wish to point out that the existing enhancement seeks mainly to compress the lead procedure. Most of the criticisms of the SLS in the past were directed at its exceedingly long processing time. According to our statistics, it took around seven months on average for one application to be approved prior to the introduction of the enhancement measures. In some cases, the processing time taken was as long as 15 months. The reason lies not in deliberate delay by the authorities, but in the inability to obtain the required information in a timely manner often times. For instance, there are occasional needs for enquiries to be made with the training organizations and the information provided by the applicants might not be comprehensive, thereby resulting in frequent delays. Therefore, the right cure must be administered.

A one-stop service is now adopted. First of all, the SLS mechanism will remain unchanged to, under the three major principles of ensuring priority employment for local workers, no impact on wages and no damage to workers' interest, maintain the four-week open recruitment with everything remaining unchanged. However, the procedure in relation to advance works will be compressed at source by all means. For instance, the present goal is to pinpoint public works applications, including those for public housing and infrastructure

projects. Such applications will be expedited so long as the currently agreed 26 job types are considered to have a manpower shortage. This is the first point.

Secondly, applications related to MTRCL works will be screened by the MTRCL and the Highways Department (HyD) first to get the lead work done properly, so that actions can be taken immediately after the submission of an application to the Labour Department (LD) without re-examining the information. Upon receipt of the application, the LD will immediately proceed to a recruitment exercise and carry out inspection at the construction site to verify the need. Our estimation and goal is to vet and approve the application in less than six months. Compared to the past, this is undoubtedly a major improvement. Meanwhile, the goal of processing applications in a more focused manner can be achieved, too. Let me cite the MTRCL works projects as an example. The MTRCL and the HyD can carry out advance screening before requiring individual contractors to submit applications to the LD.

Generally speaking, given such complementary efforts by the MTRCL and the HyD, I believe the speed of vetting and approval will definitely be expedited. Mostly importantly, a pragmatic approach will be adopted. So long as there is an actual need for importation of labour, the LAD will observe and make decisions purely based on facts. After an open recruitment exercise is held locally, importation of labour will be allowed if it is really impossible to recruit adequate workers while local workers cannot meet the demands of certain job types. Certainly, the wage level of foreign workers must not be lower than the median wage level in the market. There is a tacit understanding in the construction industry that foreign workers will be paid the prevailing wage level in the market.

MR MA FUNG-KWOK (in Cantonese): *Deputy President, since the Government has not cited specific figures in its reply to specify which job types are short of labour as well as their shortfall, it gives people an impression that the problem can be resolved by the SLS. However, many people in the business sector have said that the SLS is not helpful to addressing the labour shortage. May I ask the Government whether it has considered introducing a more proactive scheme whereby labour can be imported according to the actual shortfall? Furthermore, will it consider imposing additional conditions, including limited time, limited quota and an additional foreign labour levy, to*

ensure that the importation of labour serves the sole purpose of easing the manpower shortage rather than suppressing the wages of workers so that the concern of local workers can be allayed?

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Development, please.

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, a foreign labour quota was prescribed in the previous new airport and related works programmes. Information reveals that the actual number of workers imported during the peak period in August 1996 was about 20% of the quota prescribed at that time (November 1994). After all, it was a mere estimation. At present, as I said just now, the result of the estimate made by the CIC is a shortfall of about 10 000 skilled workers. The 26 types of jobs which experience manpower shortage presently have also been uploaded onto the relevant homepage for browsing and inspection by the public. Besides these 26 job types, applications can be submitted for re-consideration if there are other types of jobs which are not included but suffer a manpower shortage. For instance, applications for job types related to marine works have been submitted by the industry recently. This approach is pragmatic and decisions can be made depending on need.

Our idea is that on one knows which contractors will be awarded the works contracts, how many workers will be recruited by the successful contractors, as well as their construction capacity. In the end, successful contractors can only submit applications accordingly to their actual circumstances and the needs of different job types, depending on the needs of the relevant works. Not only do we consider this approach more appropriate, but it has also been agreed by both the employer and employee sides in the LAB. Hence, we consider that the first step should be taken, that is, to put this into implementation to see what result can be achieved. If the time required for vetting and approval can be rationalized, so that the relevant demands can be met through the importation of labour in a timely manner, the problems involving various parties can thus be resolved, too.

DEPUTY PRESIDENT (in Cantonese): Fourth question.

Expansion of Airport into a Three-runway System

4. **DR ELIZABETH QUAT** (in Cantonese): *The Airport Authority (AA) has recently released an Environmental Impact Assessment (EIA) Report on Expansion of the Hong Kong International Airport (HKIA) into a Three-Runway System (3RS). The EIA Report contains the results of a comprehensive assessment of the environmental impacts of the expansion project and the future operation of the 3RS in 12 different aspects, such as air quality, aircraft noise, marine ecology, the fisheries industry and human health, and so on, and it recommends the adoption of more than 250 mitigation measures. In this connection, will the Government inform this Council:*

- (1) *given that while the EIA Report has pointed out that the expansion project will cause no more than a moderate degree of impact on the habitat of the Chinese white dolphins (CWDs), the Sha Chau egretty and the surrounding fisheries areas and recommended a number of mitigation measures (including the establishment of a new marine park and the avoidance of bored piling during the peak CWD calving season, and so on), the project will cause permanent damage to the surrounding waters, whether the authorities have conducted any assessment on the changes in the number of CWDs which inhabit in the surrounding waters before and after the construction of the airport; if they have, of the details; and the measures in place to ensure as far as possible that the CWDs living in the surrounding waters will not get hurt and will continue to survive while the construction works for the third runway are underway;*
- (2) *given that the EIA Report has pointed out that the expansion project will cause a permanent loss of 768 hectares of fishing ground and recommended the use of non-dredge deep cement mixing methods for land formation in order to minimize the impacts on the fisheries industry, whether the authorities have conducted any assessment on the impacts of the land formation works on the marine ecology of the affected waters and the extent of such impacts, as well as the specific impacts of the expansion project on members of the fisheries industry in the western waters of Hong Kong; of the measures in place to strike a balance between the protection of the marine ecology and the development of fisheries industry in Hong Kong, and the arrangements for compensating members of the affected*

industries and ensuring sustainable development of the fisheries industry; and

- (3) *given that both the AA and the Government have pointed out that failure to proceed with the expansion project would impair the status of Hong Kong as an international aviation hub and Hong Kong's overall competitiveness, whether the authorities have conducted assessments on when the airport is expected to reach its capacity in terms of flight movements, as well as such details, and the losses to be suffered by the aviation industry, the overall economy and the employment market of Hong Kong for each year of delay in the completion of the expansion project; and of the authorities' measures in place to ensure that there will be no project delay and overspending?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, the HKIA plays a pivotal role in enhancing Hong Kong's overall economic competitiveness and maintaining Hong Kong's positioning as an international aviation hub. With the HKIA's existing two-runway system (2RS) reaching its full capacity in a few years' time and in the face of the challenges and competition posed by other international airports in the region (especially Singapore Changi, Seoul Incheon and Dubai Airports), there is a genuine need to press ahead the 3RS project to enhance the capacity of the airport.

Over the past two years, the Airport Authority Hong Kong (AAHK), with the support of its team of multinational experts, has completed the statutory EIA for the Project, covering 12 assessment aspects (see Annex A) as specified by the Environmental Protection Department (EPD), and has minimized the potential impacts on the environment of the 3RS Project as far as practicable. The EIA Report has been made available for public inspection since 20 June 2014. If the EIA Report is approved, it is hoped that the relevant planning procedures can be completed within this year, so that the 3RS Project can be carried out as soon as possible with a view to commissioning the 3RS in 2023.

While the SAR Government supports the AAHK in taking forward the 3RS Project, we also attach great importance to the environmental impacts associated with the Project. We believe that development and environmental protection are not a zero-sum game. The focus of the AAHK's EIA Report is to put forward

various green and mitigation measures to minimize the potential impact on the environment and marine ecology brought by the Project. The Director of Environmental Protection will, in accordance with the EIA Ordinance, critically scrutinize the EIA Report submitted by the AAHK and impose conditions for approval of the EIA Report if deemed necessary.

Since the EPD meanwhile is in the process of reviewing the EIA Report submitted by the AAHK, it would not be appropriate for me, as a principal official of the SAR Government, to comment on the content of the EIA Report and the associated details. Nevertheless, I will provide our reply to the various parts of Dr Elizabeth QUAT's question as far as possible.

- (1) The 3RS will admittedly affect the CWDs currently found in the waters around the HKIA. The AAHK has proposed various measures in its EIA Report with a view to effectively minimizing, mitigating and compensating the impacts on CWDs by the Project.

First, non-dredge land formation method known as "deep cement mixing" will be adopted for ground improvement, diversion of aviation fuel pipelines by horizontal directional drilling in the deep sub-sea bedrock stratum, and diversion of submarine electricity cables by water jetting.

In addition, the AAHK will adopt a series of measures (see Annex B), including restricting the speed of high speed ferries and construction vessels, suspending the relevant works upon sighting of any CWDs, and so on, to tie-in with the commencement of the land formation works expected in 2016 with a view to providing suitable protection for the CWDs so as to minimize the nuisance caused. The AAHK has also committed to conducting comprehensive environmental monitoring and audit during the construction period to achieve "development alongside environmental conservation".

We understand that there are worries in society that the 3RS Project will severely ruin the habitats of CWDs. The Government has already urged the AAHK to take on board the advice of international and local experts, with a view to providing sufficient mitigation measures and taking the opportunity to expand the marine park so as

to benefit the future well-being of the CWDs. Following the full commissioning of the 3RS, the AAHK will also complete designating a new marine park of size of some 2 400 hectares. The new marine park will be linked with the planned Brothers Marine Park, the existing Sha Chau and Lung Kwu Chau Marine Park, and the marine exclusion zone of the 3RS, forming a marine protected area of as many as 5 200 hectares (see Annex C). International dolphin experts opined that the above measures should contribute significantly to the long-term conservation of CWDs.

- (2) The AAHK also committed in the EIA Report the use of the more environmentally-friendly non-dredge deep cement mixing method for land formation. This method is new to Hong Kong⁽¹⁾ but has been used extensively in countries like Japan, South Korea and Germany with its effectiveness well proven. As assessed by the AAHK, the impacts of marine works on the affected fisheries operations are low to moderate. To mitigate and compensate the impacts, the AAHK will introduce corresponding conservation measures in the proposed marine park, including deployment of artificial reefs to promote juvenile fish recruitment, so as to recover fisheries resources; the implementation of Fisheries Enhancement Strategy including the establishment of a fisheries enhancement fund. Details of the conservation measures will be discussed with the fisheries industry.
- (3) Based on the standards imposed by the International Civil Aviation Organization, the AAHK's international aviation consultant concluded in 2008 that the practical maximum capacity of the 2RS is 68 movements per hour, or some 420 000 movements per year. The relevant figures have been confirmed by the experts. There was a robust growth in air traffic movements at the HKIA in the past few years. With an average growth rate of some 6% per year, the air traffic movements have exceeded 370 000 in 2013. In the light of the current projection and growth of traffic, the 2RS is expected to reach its full capacity in a few years' time. There is hence the

(1) The field trial by the AAHK in waters near the HKIA in early 2012 indicated that this method was both practicable and environmentally-friendly.

urgency in taking forward the 3RS Project. According to the estimate in the HKIA's Master Plan 2030, the 3RS is expected to create more than 140 000 direct job opportunities and an annual economic contribution of \$167 billion⁽²⁾ in 2030.

The Airport Expansion Project Co-ordination Office under the Transport and Housing Bureau will closely monitor the AAHK in pressing ahead the 3RS Project and will formulate an effective monitoring mechanism for the Project. As of now, the 3RS Project has yet to have a project status and an approved estimate. The Government will prudently consider the financial arrangement proposal to be submitted by the AAHK and consult the Legislative Council in due course. Accordingly, there is no issue of project overspending at this juncture.

Annex A

Aspects covered in the Environmental Impact Assessment for the Three-Runway System Project

The Environmental Projection Department issued the Study Brief in August 2012, requiring the AAHK to assess the environmental impact of the 3RS project with respect to the following 12 aspects:

- (1) Air quality;
- (2) Hazard to human life;
- (3) Noise impact;
- (4) Water quality;
- (5) Sewerage and sewage treatment;
- (6) Waste management;

(2) Based on the expected volume of air traffic (that is, 607 000 air traffic movements) at the HKIA in 2030.

- (7) Land contamination;
- (8) Ecology (terrestrial and marine ecology, including Chinese White Dolphins);
- (9) Fisheries;
- (10) Landscape and visual;
- (11) Cultural heritage; and
- (12) Health impact (air emissions and aircraft noise).

Annex B

Chinese White Dolphins Conservation Measures during the
Construction Phase of the Three-Runway System Project
as proposed by the Airport Authority Hong Kong

1. In the EIA report, the AAHK has proposed the adoption of green techniques and a series of mitigation measures so as to achieve "development alongside environmental conservation" as far as possible. These measures include:

Engineering Techniques

- (i) The use of non-dredge land formation method known as "deep cement mixing" for foundation improvement;
- (ii) diversion of aviation fuel pipelines by horizontal directional drilling in the deep sub-sea bedrock stratum; and
- (iii) diversion of submarine electricity cables by water jetting.

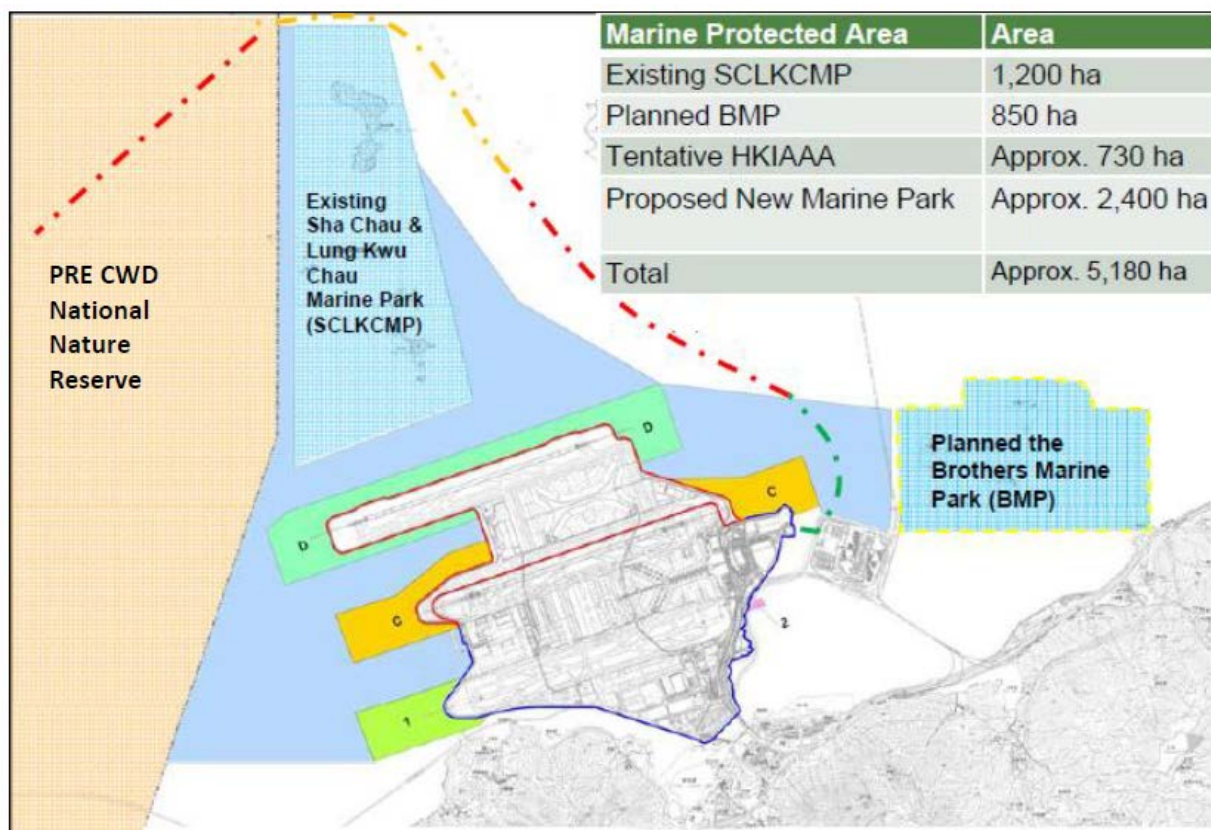
Commencement of Construction (that is, around 2016)

- (i) All the high speed ferries operating at Skypier will navigate through the waters north of Sha Chau and Lung Kwu Chau Marine Park

when they travel to and from Hong Kong, with a speed limit of 15 knots while travelling through the waters north of Sha Chau and Lung Kwu Chau where CWDs are frequently sighted. (Although such measure will marginally prolong the boat ride (around 10 minutes), the AAHK will implement appropriate measures (for example, speeding up the baggage handling procedure) to ensure minimal impact on passengers' total connecting time between the flights, the connecting ferry rides and the final destinations);

- (ii) avoidance of bored piling during the peak CWD calving season (that is, March to June);
 - (iii) establishing a 250-m 24-hour dolphin exclusion zone in the peripheral areas of the marine works. Relevant works will be suspended immediately upon sighting of any CWDs in the vicinity of the construction area of the reclamation works;
 - (iv) restricting the maximum speed of all construction vessels passing through the works area to 10 knots, which is same as the statutory speed limit in a marine park; and
 - (v) acoustic decoupling of the construction equipment mounted on barges to minimize the impacts on CWDs.
2. The AAHK has also committed to implement the Environmental Monitoring and Audit programme during the construction phase so as to ensure that the proposed mitigation measures are effective and comply with the relevant statutory requirements.
3. In addition, the AAHK will establish an Environmental Enhancement Fund to support various environmental enhancement measures with a view to improving marine ecology and resources in the waters at north Lantau and to promote the colonization by fauna within the region. The AAHK will also set up a marine research programme and promote environmental education and eco-tourism in relation to local marine ecology and CWDs.

New Marine Park as Proposed in the Environment Impact Assessment Report
for the Three-Runway System Project



DR ELIZABETH QUAT (in Cantonese): *Deputy President, I think Members all believe that the success or otherwise of the 3RS Project hinges on whether or not a balance can be struck between development and conservation. The Government mentioned in the main reply that when reclamation works start in 2016 as anticipated, a series of measures will be implemented immediately to achieve "development alongside environmental conservation". But now many green groups have queried that the remedy proposal on marine ecology mentioned in the EIA Report of the AAHK is in fact a proposal to destroy first before remedy is made, which is not acceptable.*

So may I ask the authorities whether another direction can be studied to achieve conservation before construction? For example, before the commencement of any works, a plan on marine study can commence and to finalize with the stakeholders the details of the fisheries enhancement fund, and the environmental protection enhancement fund, and so on. In addition, do the authorities have any other methods to enhance the protection of marine ecology?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, we can hear and notice that some green groups in the community are concerned about the possible environmental impacts caused by the 3RS Project, including that on the CWDs. However, judging by the direction and contents of the EIA Report compiled by the AAHK as I mentioned in the main reply, we know that it is not a case of destroying first, conservation later. Of course, the proposed new marine park will be set up only after the works are completed, or else the works will be affected. But as to the question of how the existing facilities like the Sha Chau and Lung Kwu Chau Marine Park can play a more effective role or whether the planned Brothers Marine Park which may be set up around 2016 can be made helpful to the habitat of CWDs, and what can be done to make good use of the fisheries enhancement fund proposed by the HKAA and on doing a good job in marine ecology during the construction period of the 3RS Project, I would think that the AAHK has taken all this into full consideration when carrying out planning for the Project.

Now, I understand that the green groups have many views on this but I think the best way is for the AAHK to engage in more direct dialogue with these green groups and to present the views of the experts to see what can best be done and achieve a balance.

DR ELIZABETH QUAT (in Cantonese): *It seems that the Secretary has not replied as to whether he would start these kinds of work early instead of doing them only after the works have commenced ...*

DEPUTY PRESIDENT (in Cantonese): Dr QUAT, you have asked your supplementary question. Secretary, do you have anything to add?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, the AAHK has acted in response to the request of the EPD and submitted an EIA Report. The Report has just been submitted and now it is open for public perusal. Certainly, with respect to the various mitigation measures and measures to alleviate the impact on the environment as submitted by the AAHK, will the Director of Environmental Protection accept them? Or

will the Director have some other requirements? This will have to depend on the final outcome. But the spirit of this is that during the course of execution of the Project, a balance will be struck in taking forward those measures that can be commenced.

MR VINCENT FANG (in Cantonese): *Deputy President, part (2) of the main reply relates to the impact of the 3RS Project on the fisheries industry and, the Secretary said in his reply that the AAHK would introduce certain measures and implement the Fisheries Enhancement Strategy including the establishment of a fisheries enhancement fund.*

Deputy President, I have also taken part in the work of the Committee on Sustainable Fisheries of the Agriculture, Fisheries and Conservation Department. As far as I know, for more than a decade in the past, the Government has introduced a number of measures to compensate the fishermen. A recent example is that in order to prohibit trawling, the Government has offered compensation to fishermen engaged in inshore fishing and recovered their licences. The Finance Committee has passed a funding provision this year amounting to \$5 billion to set up the Sustainable Fisheries Development Fund. Last month the Food Safety and Environmental Hygiene Panel supported the increase of the Fisheries Development Loan Fund to \$810 million.

May I ask the Secretary whether this Fund is set up by the Government or the AAHK, and how large it is?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, as Mr Vincent FANG pointed out just now, for more than a decade in the past, the Government has always hoped to discuss with the fisheries sector on how best to enhance their productivity and how compensation could be offered to it when certain measures are likely to affect the living of those in the sector.

I mentioned in part (2) of my main reply that in the EIA Report of the AAHK, it is stated that the Fisheries Enhancement Strategy will be introduced, including the establishment of a fisheries enhancement fund. This proposal is made by the AAHK and it is not one of the plans of the Agriculture, Fisheries and

Conservation Department. However, its aim is similar. It is because in the course of execution of the 3RS Project, certain impacts will be caused on people of the fisheries sector who operate in the nearby waters. Also, in the new marine park to be set up in the future, there will be a larger marine protected area and this may also have some impact on their fishing operations. So I hope while the Fisheries Enhancement Strategy can play its role in compensation, it can also improve marine ecology so that a better operating environment can be provided.

MR VINCENT FANG (in Cantonese): *Deputy President, is this fund included in the construction cost or cost estimate? In other words, what is the construction cost? Is this fund included?*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, I do not have anything to add for the moment. As I said in the main reply, insofar as the cost estimate for the 3RS Project is concerned, the AAHK is still conducting its internal study and analysis. At the end of the day, a financing proposal will be presented to the Government for consideration.

MR MARTIN LIAO (in Cantonese): *Deputy President, I have been given to understand that the AAHK in a bid to make the airport more competitive has since 2000 reduced the landing fee and berthing fee for aeroplanes by 15%. The fees have remained the same to date. Suppose the 3RS passes the EIA Report and the works formally commence, in order to ease the tremendous financing pressure and to meet the huge expenses in construction, there may be a possibility for the airport to increase various kinds of fees. However, as the Secretary said just now, airports near Hong Kong are emerging and if the AAHK increases its charges, it will undermine the competitiveness of the HKIA. If the level of fees charged is set too high, I am afraid the loss will outweigh the gain.*

In view of this, may I ask the Secretary what methods will be used to ensure and enhance the competitiveness of the HKIA?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, on fees charged by the HKIA, I am sure what Mr Martin LIAO referred to are the fees charged on the airlines and main users. About 10 years ago, we did indeed reduce the fees and there has not been any revision since.

Currently and as compared with the major international airports, the fees charged by the HKIA are still on the low side. I do not have such information on hand, but I can provide it to Members later (Appendix I). The fees we charge are by no means high. Facing the competition from other nearby international airports and the continuous expansion of many airports, if Hong Kong is to maintain its position as a regional aviation hub, our international airport cannot afford not expanding. As for the construction cost of expansion of the airport, I know that the CEO of the AAHK has said in response to media enquiries that it is hoped that more channels can be pursued and that users can bear part of the costs by all means. These users include the airlines and may also include passengers. In any case, the AAHK is still formulating the financing proposal and, from the Government's perspective, we hope that there can be a number of sources of financing in the future and that it can be shown that the construction cost of the airport should be shared among those who should bear the cost or the community which should do so.

MR STEVEN HO (in Cantonese): *Deputy President, Mr Vincent FANG has raised the question of fisheries with the Government and also talked about the question of the fund and compensation. The scope covered by fisheries is very broad and earlier on, the Government has offered compensation in its imposition of a ban on trawling. But that is addressed to those fishermen whose trawlers are affected. Our concern this time around is that the Government will introduce a fisheries enhancement fund as a compensation measure in order to alleviate the impact on the fishermen. But the input of capital into a fund entails a platform to facilitate the development of the fisheries sector. Now the scope of this platform is made narrower as a result of the proposed 3RS Project. On top of that, the Government also proposes that a marine park measuring 2 400 hectares be set up. This comes to the crux of the supplementary question I am going to raise now. Under the government policy on marine parks, the transfer or inheritance of licence among fishermen is prohibited. But in the medium and long terms, this will seriously affect the sustainable development of the fisheries industry. Hence may I ask the Government whether it will adjust its policy on marine parks? For if not, how can there be any development in the fisheries industry? Can the Government give us a clear direction in this connection?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, this question is really quite complicated because it touches on a number of areas of concern. First, the establishment of a marine park is intended to protect the related marine ecology and that in the course of development or construction works, there are times that the principle of conservation must be upheld. But on the other hand, those people who engage in fishing in those waters are bound to be affected in some measure. Therefore, the questions of how a balance should be struck, and how compensation should be made once the works in question have affected their operations must be addressed by the bureaux concerned. These relevant bureaux include the Environment Bureau and also the Food and Health Bureau.

I know that insofar as the issue of marine parks is concerned, the fisheries sector is concerned about the issue of fishing licences as mentioned by Mr HO earlier, so I will convey this view to the relevant Bureau Directors. I know that they are concerned about this problem. As to the specific details in future, including matters like the fisheries enhancement fund and the related strategy, and so on, as proposed by the AAHK, I agree very much that there should be a practicable platform. I know that the AAHK has begun discussions with groups in the fisheries sector. Of course, we all hope that in the end certain viable solutions can be proposed to address the practical problems.

DEPUTY PRESIDENT (in Cantonese): Fifth question.

Provision of Seats and Barrier-free Facilities for People in Need when They Use Public Transport Services

5. **MR MICHAEL TIEN** (in Cantonese): *Deputy President, at present, some public transport means have provided barrier-free facilities and designated certain seats for priority use by people in need (including the elderly, persons with disabilities, pregnant women and parents carrying young children). Nevertheless, quite a number of such people in need have relayed to me that such barrier-free facilities are still very inadequate, making it inconvenient for persons with disabilities to use public transport services. Furthermore, many*

passengers currently have little awareness of offering seats to people in need as they keep their heads down to use their mobile phones or pretend not noticing other passengers in greater need for a seat, which is indeed a common phenomenon. Moreover, some passengers who look like senior people feel offended when other people offer seats to them, while the people offering the seats also feel embarrassed as their kind offers have been rejected and they therefore no longer take the initiative to offer seats to others. In this connection, will the Government inform this Council:

- (1) whether it knows the current average proportion of the seats of each public transport means which are priority seats; whether the authorities have required public transport service operators to provide specified proportions of the seats on various means of public transport for priority use by people in need; if they have not, whether they will make such a requirement;*
- (2) whether it knows the barrier-free facilities currently provided by each public transport means; of the new measures of the Government and public transport service operators to improve the existing barrier-free facilities on various public transport means; whether the Government has any plan to stipulate that all public transport means must provide barrier-free access and facilities; if it has such a plan, of the implementation timetable; and*
- (3) whether the Government will discuss with public transport service operators, by making reference to the practice of the Southern Railway Limited in the United Kingdom, issuing "priority seating cards" to people in need, which grant holders the priority right in using priority seats; how the Government will raise public awareness of offering seats to people in need through civic education, and whether it knows the new measures of public transport service operators to encourage passengers to offer their seats to people in need?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, the Government has been taking forward the concept of "barrier-free transport" through working with public transport operators to enhance public transport facilities where feasible. This is to build a barrier-free transport system to cater for the needs of various passenger groups, including the elderly and persons with disabilities. Further, the Transport Department (TD) has set up the Working Group on Access to Public Transport by People with Disabilities⁽¹⁾ and meets with representatives of persons with disabilities regularly to understand their needs. A total of 20 person with disabilities groups are members of the working group.

The reply to the various parts of Mr Michael TIEN's question is as follows:

(1) and (2)

Under the Government's active encouragement, major public transport modes (such as MTR and franchised buses) have designated priority seats for priority use by people in need (including the elderly, persons with disabilities, pregnant women and commuters travelling with young children).

In accordance with the Operating Agreement signed between the Government and the MTR Corporation Limited (MTRCL), the MTRCL has to regularly review and listen to views of passengers (including persons with disabilities), with a view to providing appropriate facilities and service. There are generally two priority seats in every train car of the heavy rail, except Airport Express and Disneyland Resort Line⁽²⁾. Arrangements have been made to gradually increase the number of such seats to four since late 2013. For the Light Rail, there are six priority seats in every train compartment.

- (1) Representatives of the relevant government bureaux/departments (including the Transport and Housing Bureau, Labour and Welfare Bureau, Highways Department, and so on) would also be present. Meetings are held once in about every three to four months.
- (2) The trains of these two rail lines do not come with priority seats owing to their relatively lower patronage. The MTRCL will however monitor the situation and designate such seats as necessary.

As regards franchised buses, except for a small number of single-deck buses with only two priority seats, all franchised buses have four priority seats near the exit door. This accounts for 10% to 24% of the number of seats on the lower deck.

Furthermore, an additional clause has been included in the three franchises⁽³⁾ commencing in mid-2013 to empower the TD to require bus companies to enhance safety facilities and design. This includes purchasing new buses with barrier-free and elderly-friendly design. The Government will incorporate a similar provision to promote barrier-free facilities in the other three bus franchises⁽⁴⁾ after the current ones expire in 2016-2017.

As for other public transport modes, two priority seats are designated near the driver's seat on the lower deck of trams. Public light buses, taxis and ferries⁽⁵⁾ do not usually have priority seats as standing is generally not allowed on board. However, a small number of green minibuses⁽⁶⁾ (some 50 vehicles) do have a priority seat which is the first single-seat next to the entrance/exit door.

The proportion of priority seats of the above public transport modes is set out at Annex A. Currently, public transport operators, having regard to suggestions of the Government and members of the public and taking into account their operational situation and compartment configuration, have already designated priority seats. Also, staff members would help people in need to use such seats. We therefore do not see a need to set a mandatory requirement on the proportion of priority seats at this juncture. Having said that, we

- (3) They are the franchises of New World First Bus Services Limited, Long Win Bus Company Limited, and Citybus Limited (Airport and North Lantau Bus Network).
- (4) They are the franchises of Citybus (Hong Kong Island and Cross-Harbour Bus Network), New Lantau Bus Company (1973) Limited, and The Kowloon Motor Bus Company (1933) Limited.
- (5) To facilitate visually-impaired passengers carrying guide dogs and persons accompanying wheelchair users, some ferry operators provide one to two designated seats for them at the more convenient spots on board.
- (6) The TD has produced stickers with the slogan of "Please offer your seat to those in need" for minibus operators to display inside vehicle compartments to remind passengers to offer their seats to people in need.

will monitor the situation closely. We will provide further guidelines as necessary bearing in mind views of passengers and the relevant groups.

In addition to priority seats, different public transport modes have put in place suitable barrier-free facilities inside their compartment and at stations/platforms/piers based on the actual situation. Examples include the MTR's wide gates and lifts connecting to the street level. For franchised buses, about 75% of the bus fleet comprises low-floor buses. Except for those buses running along road sections with steep gradient and sharp bend on Lantau Island, all buses newly purchased will be of a low-floor design to replace the old ones which are not low-floor. The replacement is expected to be completed within three years. Major barrier-free facilities provided by various public transport operators are set out at Annex B.

- (3) Whilst hardware is needed to promote the use of priority seats and facilitate people with mobility difficulties, it is necessary for passengers to take the initiative not to occupy these seats unnecessarily and to offer seats to people in need. In fact, a good number of the public are willing to offer seats to people in need. Notwithstanding, we agree that it is necessary to step up publicity and education in order to further promote the culture of offering seats to people in need. While the Education Bureau and Committee on the Promotion of Civic Education of the Home Affairs Bureau will continue to promote the culture of courtesy and caring on school campuses and within the local community, we, together with public transport operators, would promote and publicize the messages through different ways. Currently, there is clear signage for priority seats — please look at the examples in my hand, which are notices displayed on trains and buses — to remind passengers to offer their seats to people in need. Meanwhile, the MTRCL and franchised bus companies have produced video clips to encourage people to offer seats to people in need. The clips are broadcast on YouTube and via the audio-visual broadcasting system

on buses. Also, franchised bus companies would call upon passengers to offer their seats to people in need through the bus stop announcement system.

Mr Michael TIEN mentioned the "Priority Seat Cards" issued by the Southern Railway Limited of the United Kingdom. Our understanding is that this measure merely facilitates a cardholder to request others to offer him/her a seat by showing the card. While this eliminates the embarrassment caused by having to explain to other passengers why a seat is needed, passengers are not obliged to offer their seats. At present, we understand that some cities in the United States, Canada and Australia mandate the offer of seats to people in need by law. Rather than by legal means, Asian cities such as Tokyo, Singapore and Taipei would promote such an act through the advocacy of a culture of courtesy.

Annex A

Proportion of priority seats amongst all seats

<i>Public transport mode</i>	<i>Proportion of priority seats</i>
MTR ⁽¹⁾	about 5% ⁽²⁾
Light Rail ⁽³⁾	about 18%
Franchised buses ⁽⁴⁾	about 10%-24%
Trams ⁽⁴⁾	about 11%-15%

Notes:

- (1) Proportion of priority seats inside every train car.
- (2) The MTRCL advises that the proportion of priority seats will increase to 8% upon completion of the priority seat enhancement programme.
- (3) Proportion of priority seats inside every train compartment.
- (4) Proportion of priority seats on the lower deck.

Annex B

Examples of major barrier-free facilities other than priority seats
provided by various public transport modes

<i>Public transport mode</i>	<i>Examples of major barrier-free facilities</i>	
MTR	Station/Platform <ul style="list-style-type: none"> - Barrier-free access - Wide gates - Lifts connecting the street level and station concourses - Tactile guide paths - LED display panels - Indicator lights 	Train <ul style="list-style-type: none"> - Multi-purpose area/wheelchair parking space - Closing door buzzer - Next stop announcement system and LED display panels - Flashing system maps - Handrails
Franchised buses	<ul style="list-style-type: none"> - Wheelchair parking space - Closing door buzzer and indicator lights - Bus stop announcement system and LED display panels - Handrails and easily reached bells - Non-slip floor 	
Public light buses	<ul style="list-style-type: none"> - Call bells - Handrails - Non-slip floor - Braille registration number plates 	
Ferries	On board <ul style="list-style-type: none"> - Multi-purpose area/wheelchair parking space - Non-slip gangplank 	At pier <ul style="list-style-type: none"> - Tactile guide paths - Call bells at the entrance
Taxis	<ul style="list-style-type: none"> - Braille and tactile vehicle registration number plates on the rear left side door - About 9 700 taxis (about 53% of all taxis in Hong Kong) have been installed with taxi meters which can announce the taxi registration number and taxi fare - Passengers may use "Diamond Cabs" which are directly accessible by wheelchairs 	

MR MICHAEL TIEN (in Cantonese): *Deputy President, the Secretary said that the staff members would help people in need to use the priority seats and therefore, it is unnecessary to set a requirement on the proportion of such seats now. Then the Secretary added that "In fact, a good number of the public are willing to offer seats to people in need".*

This morning while I was driving to the Legislative Council and was going to turn right on a two-lane road, I kept waiting and hence blocked the way of dozens of vehicles behind me, but not one single vehicle was willing to stop for me to make a right turn. Some 40 or 50 vehicles passed by, but not even one of them stopped. Secretary, I asked a question on priority seats today because I have seen that a culture of courtesy is not popular in Hong Kong, and this is why I asked this question. When the Secretary met with these 20 organizations, I wonder whether they had mentioned to him to what extent we have established a culture of courtesy. I guess the Secretary may not have had the opportunity to take public transport too often and so, he cannot see whether those people occupying the priority seats are people genuinely in need or the so-called "phubbers" who always keep their heads down.

I now ask the Secretary a practical supplementary question. The Southern Railway Limited has issued the Priority Seat Cards but this is not mandatory, and the Secretary said that the offer of seats is mandated in several other countries, such as the United States, Canada, Australia, and so on. I have this question for the Secretary. If he can provide these Priority Seat Cards to people in need but does not make it mandatory, and if a cardholder asks somebody to offer him the seat but his request is rejected, the cardholder will feel embarrassed and will not make such requests anymore. Therefore, in order to implement this requirement, legislation must be enacted as complement. May I ask the Government whether it will consider enacting legislation? If not, it will mean that the measure adopted in the United States, Canada and Australia is unnecessary in Hong Kong. In that case, could the Secretary provide more statistics to tell us why he thinks that many people will take the initiative to offer their seats to people in need now and whether consideration will be given to legislating for this?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *Deputy President, while I do not have the opportunity to travel on public transport too often, it does not mean that I do not travel on public transport at all. From my*

personal observations, there are indeed the so-called "phubbers", just as Mr TIEN said earlier on. When seeing elderly or people in need, they will deliberately lower their heads to avoid embarrassment, but there are also people who are prepared to offer their seats to others. I have seen both cases and so, we cannot conclude that there is not a culture of courtesy in society at large because some people do not give their seats to others. Having said that, I agree that efforts should be made to further promote a culture of courtesy.

The Priority Seat Cards issued by the Southern Railway Limited in the United Kingdom serve as proof of the priority needs of the cardholders. In the Hong Kong context, for the elderly people, the Social Welfare Department has issued Senior Citizen Cards to the elderly. Moreover the elderly can buy Elder Octopus Cards with their photos imprinted on them, such that qualified elderly can show that the cardholder is an elder and enjoy the concessionary fare under the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities. On the other hand, the Central Registry for Rehabilitation of the Labour and Welfare Bureau has also issued "Registration Card for Persons with Disabilities" for persons with disabilities, and of course, some physical disabilities are visible.

Therefore, if civic education is carried out effectively in society and if civic awareness is well promoted in society — we can often hear praises in society and the media for our civic awareness in Hong Kong — legislation will not be necessary. With regard to such countries as the United States, Canada and Australia which I mentioned in the main reply earlier, the fact is that not all of their cities have legislated for this as legislation is enacted only in some cities but their legislation focuses on the persons with disabilities, rather than the offer of seats across the board on a more general basis. I think legislation is worth considering only when the situation becomes serious because legislation requires costs, and it also requires manpower for enforcement. But if the culture of offering seats to others is pervasive in society, it is often unnecessary to rely on legislation.

MR MICHAEL TIEN (in Cantonese): *Deputy President, is the Secretary saying that ... simply put, now ...*

DEPUTY PRESIDENT (in Cantonese): The Secretary has answered your supplementary question.

MR MICHAEL TIEN (in Cantonese): *The Secretary said that there is no plan to enact legislation but he ...*

DEPUTY PRESIDENT (in Cantonese): The Secretary has already given a reply.

MR MICHAEL TIEN (in Cantonese): *... also said that the elderly's existing ...*

DEPUTY PRESIDENT (in Cantonese): Mr TIEN, the Secretary has already given a reply.

MR CHAN HAN-PAN (in Cantonese): *Deputy President, in recent years, the trains of MTR lines are very crowded, especially during the peak hours, and the train cars are indeed crammed full of passengers. To address the problem, the frequency of trains should be increased to disperse the crowds but the MTRCL simply removed some of the seats inside the train cars and replaced them with a steel plank that does not look like seats at all for passengers to lean against. There used to be only a small number of seats inside the MTR train cars and removing the seats actually means reducing the number of seats, thus making the offer of seats more difficult. Since it is more difficult to offer seats to others and the Government said that efforts will be stepped up to promote the offer of seats, does the Government have more concrete plans, such as asking the MTRCL to reinstall the seats for people in need?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, as I mentioned in the main reply earlier on, the MTRCL hopes to provide four priority seats in every train car of the heavy rail and these seats will not be removed arbitrarily in order to vacate more space for standing. In society, there are indeed people in need ... whether they are people with mobility difficulties or elderly people who are increasing in number. Therefore, I think it

is important to provide priority seats and the targets should be wide-ranging, including pregnant women and people who have children travelling with them. Regarding the removal of some seats to vacate more space for standing, we have actually explained in the panel that the purpose is to provide more space to accommodate more passengers, especially during the rush hours when commuters travel to and from work. I remember that the Subcommittee on Matters Relating to Railways has discussed this issue and explored how the crowdedness in train cars can be mitigated. There was also the view that the MTRCL should not remove all the seats and that a right balance should be struck. We have clearly conveyed these views to the MTRCL.

It is our objective that since various public transport modes, be it MTR or buses, are provided for public use and among the public there must be a certain proportion of people who have mobility difficulties, the elderly or pregnant women, public transport should therefore provide facilities suitable for these passengers. Moreover, other people who do not have any particular need to take a seat should develop a culture of courtesy. I can tell Members that in some cities in Australia, students — whether primary students or secondary students — who travel at concessionary fares, such as concessionary monthly passes or other concessionary fare schemes, may occupy vacant seats for a while but when people in need or other passengers come on board, the students are required to leave their seats. I think if members of the community understand that they should respect people in need by offering their seats to them, the situation may become different.

DR FERNANDO CHEUNG (in Cantonese): *Deputy President, certainly, it is important for us to express concern about the offer of seats to others but whether or not one can board the bus may be even more important. Besides, the situation of one having boarded the bus but getting off at the wrong station or not knowing where to get off is actually very important too. Even now, many blind people, while waiting for a bus, still have to hold up a placard showing the route number of the bus that they are waiting. But in many other major cities, they have already applied a technology which enables the blind to learn from a receptor the number of the approaching bus. These cities are not some advanced places, and even Guangzhou can already do it but Hong Kong is still very backward.*

As the blind do not know when they should get off, the bus stop announcement system is therefore most important. According to the Government, by the end of 2011, the bus stop announcement system should have been installed on all buses in Hong Kong. But many of these systems do not work effectively as the volume is either too loud or too soft, and passengers can hardly hear the announcement clearly. Even when the TD conducted a sample survey on four bus routes on Hong Kong Island last month, the volume of the bus stop announcement system of two of the bus routes was found to be too soft to be heard. May I ask the Government, since it has been promoting barrier-free transport, whether it can make improvement to such simple arrangements for the blind to board and get off the bus? Besides, what plans do the authorities have to save the blind the trouble of having to hold up a placard while waiting for a bus or having to keep asking people when they should get off?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, Dr CHEUNG's question focused on the difficulties faced by some people with disabilities. This, I very much understand. In fact, at the regular meetings with the organizations concerned, the TD has also received many views in this respect and tried to address the problem by all means.

The installation of external announcement systems at bus stops can provide convenience for the elderly or people with visual impairment while they are waiting for a bus but it certainly depends on the location of bus stops. For example, buses of many different routes may pull over at the same bus stop for passengers to board and alight, or the nearby environment of a certain bus stop may be noisy or many buses may pull over at the bus stop at the same time. The installation of an announcement system may then create confusions. In view of this, the TD will try to identify ways to better respond to these needs.

As far as we know, individual franchised bus operators are conducting studies jointly with some tertiary institutions on the use of new technology, such as mobile applications, to provide convenience for people in need. We will monitor the progress closely and ascertain how further improvement can be made because this is a practical problem that actually exists. Besides, the bus stop announcement system has been installed on many buses. The effects of some of

these systems may not be satisfactory and as Dr CHEUNG said earlier, the volume may not be controlled properly. We will from time to time remind the bus companies to do better by all means and we will also look into ways to provide better support in terms of technology.

DR FERNANDO CHEUNG (in Cantonese): *Deputy President.*

DEPUTY PRESIDENT (in Cantonese): Dr CHEUNG, which part of your supplementary question has not been answered?

DR FERNANDO CHEUNG (in Cantonese): *The Secretary's reply is ambiguous. I asked him when and how the problem would be dealt with but all he said was that the problem will be dealt with and that improvement will be made as far as possible depending on the situation. Can the Secretary tell us more specifically when he will take measures and what measures will be taken?*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, the general direction is to work along the feasible options which we all know, such as how the bus stop announcement system can be improved or whether it is possible to install an external announcement system at some bus stops. These are all feasible ways and directions, but what are their actual effects? Take the bus stop announcement system on buses as an example. There are already such installations now, and with regard to the unsatisfactory volume or other inadequacies, improvement can definitely be made.

As for the installation of external announcement systems at bus stops, I would not venture to say that the locations of all bus stops are suitable but I think we can further look into it and if it is found feasible, we will request the bus companies to study the feasibility of installing these announcement systems.

MR LEUNG CHE-CHEUNG (in Cantonese): *Deputy President, the Secretary said that a culture of courtesy can be enhanced through education but the current social atmosphere and situation are kind of hostile and violent. If some people said that they will take part in "Occupy Central" and the Secretary told them not to, will they listen to the Secretary and change their mind? They have now taken wrongdoings to be right. So, judging from the present circumstances, I think we must implement schemes to regularize the offer of seats to others.*

In respect of railways, there are currently ordinances and subsidiary legislation on railways. Can the authorities make legislative amendments to impose punishment on people who do not offer their seats? In this respect, I have this question for the Secretary. Since it is unnecessary to enact legislation across the board, can the Government first introduce legislative amendments in respect of railways only, which include the Light Rail, the MTR and others, thus making railways the first to impose the requirement of offering seats to others?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, as I said in my reply to Mr Michael TIEN earlier, it is not the case that all major cities have mandated this requirement. Even in the same country, some cities may have in place relevant administrative regulations whereas some other cities may not. Besides, in some places, the requirement of the provision of priority seats may be mandated under certain laws and it is mandatory to offer seats to persons with disabilities. However, even in cities where such a practice is in place, they do not all enforce it. From this we can see that when taking account of the actual circumstances, particularly when considering enforcement, it is necessary to strike a balance in order to ensure that the public transport system is efficient and smooth.

Therefore, I think that so long as a culture of courtesy or offering seats to others can be brought into play effectively, we can achieve the effects with the lowest cost. If the offer of seats is made mandatory in law, we would need to enforce it. Once enforcement is necessary, will it have any impact on the public transport modes in operation? In view of this, I think it is necessary to strike a balance.

Hence, the simplest way is to inculcate the spirit and culture of respecting other people's needs in various sectors of the community and this can actually minimize the situation where people do not offer seats to others.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Use of Force by Police Officers While Discharging Duties

6. **MR KENNETH LEUNG** (in Cantonese): *Deputy President, in 2012-2013, the Independent Police Complaints Council (IPCC) endorsed the results of investigations into 2 489 complaint cases handled by the Complaints Against Police Office. Those cases involved 4 884 allegations against police officers and 323 of them were allegations of assault. In this connection, will the Government inform this Council:*

- (1) *whether the police have provided training to front-line police officers to ensure that they will not use force abusively in discharging duties in order to avoid being complained; if they have, of the details; and the objective and independent monitoring measures and procedures that the authorities have put in place to prevent police officers from using force inappropriately in the process of law enforcement and handling arrestees;*
- (2) *in each of the past five years, of the respective numbers of police officers who were prosecuted in criminal proceedings and became the subjects of investigations in disciplinary hearings for alleged assaults or inappropriate use of force in discharging duties, as well as the respective numbers of police officers who were sanctioned in the form of warning, caution or admonition for such acts; and*
- (3) *whether the police have installed closed circuit televisions (CCTVs) in rooms in police stations for handling arrestees as well as in the compartments of police cars at present, so as to enhance the protection of the interests of arrestees and police officers; if they have, of the distribution and locations of such CCTVs and the criteria for using them; if not, whether they will consider such installations; if they will not consider, of the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Deputy President, under the statutory two-tier police complaint system, the Complaints Against Police Office (CAPO) under the Hong Kong Police Force (HKPF) is specifically responsible for the handling and investigation of public complaints against police officers. To ensure that complaints are handled in a fair and impartial manner, the CAPO is independent of other police units in its operation. Upon completion of investigations, the CAPO shall submit its investigation reports on reportable complaints to the statutory IPCC for examination and review, ensuring that public complaints against police officers are handled fairly and impartially.

(THE PRESIDENT resumed the Chair)

According to the CAPO, among the complaints involving assault by police officers in the past five years, over 80% were endorsed by the IPCC as "not pursuable" or "withdrawn", while the remaining 20% were mostly classified as "no fault", "false" or "unsubstantiated" upon thorough investigation. In the past five years, no complaint cases involving assault were found to be "substantiated".

Upon analysis of the statistical data, the CAPO pointed out that a substantial number of complainants alleging that they had been assaulted by police officers were themselves involved in some criminal cases while lodging such complaints to the police. The complainants or their legal representatives generally used the substance of their complaints as defence in the criminal trial. Once the criminal cases were closed, the complainants would often take the initiative to withdraw their complaints or refuse to contact or respond to the CAPO. As a result, a considerable number of complaints involving assault were eventually classified as "not pursuable" or "withdrawn" every year.

The Administration's reply to the question raised by Mr Kenneth LEUNG is as follows:

(1) and (2)

Police officers maintain self-discipline and exercise a high degree of restraint in their discharge of duties. The police have put in place

very clear guidelines and training to instruct their officers not to use force unless it is necessary and there are no other alternatives to accomplish their lawful duties ...

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): *Point of order.*

PRESIDENT (in Cantonese): Secretary, please hold on.

MR LEUNG KWOK-HUNG (in Cantonese): *Point of order. President, I ask you to invoke Rule 17(2) of the Rules of Procedure to do a headcount.*

PRESIDENT (in Cantonese): I hope Members will respect public officers or Members who are speaking.

MR LEUNG KWOK-HUNG (in Cantonese): *President, it is precisely out of my respect for him that I hope more Members will be here to listen to his reply.*

PRESIDENT (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)

PRESIDENT (in Cantonese): Secretary for Security, please continue.

SECRETARY FOR SECURITY (in Cantonese): ... unless it is necessary and there are no other alternatives to accomplish their lawful duties. In addition, the level of force to be used should be minimal and reasonably required under such circumstances.

As mentioned above, no complaints involving allegations of assault were classified as "substantiated" in the past five years. A vast majority of complaints involving assault were classified as "no fault", "false" or "unsubstantiated" upon thorough investigation. During the same period, a total of five allegations involving assault were endorsed and classified as "not fully substantiated" by the IPCC, that is, there was some reliable evidence to support the complainants' allegation but such evidence was insufficient to fully substantiate the complaint. Upon examination, the police considered that those five cases were stand-alone incidents involving individual officers' integrity, and were unrelated to police's procedures and guidelines. To follow up, the police took disciplinary actions against the seven officers involved, including advice, warnings and disciplinary proceedings.

In the past five years, two other police officers were prosecuted for suspected assault during their discharge of duties. Both were acquitted after trial.

The police always attach importance to the prevention of complaints, with the overall objective of enhancing the quality of their public services. By means of various forms of training, the police have endeavoured to enhance the professional sensitivity, communication skills and awareness of complaint prevention of officers at all levels, reinforcing the value system of the HKPF and ensuring a clear understanding among officers of all ranks of their respective professional responsibilities. Apart from monitoring the trends of complaints, implementing the prevention of complaints and reducing complaints through improved work procedures, the CAPO and front-line commanders regularly examine relevant trends of complaints for the purpose of taking prompt measures to address the issues and improve their services.

On another front, the police attach great importance to the personality and integrity of law-enforcement officers. In addition to complaint prevention, the police have continued to adopt a four-pronged strategy, namely education and integrity culture building, governance and control, enforcement and deterrent, and rehabilitation and support, ensuring that all members of the police maintain a high level of integrity and demonstrate a high degree of professionalism in their discharge of duties.

- (3) On account of security considerations, the HKPF has installed CCTV surveillance systems at different areas in a police station, such as the report room, exits/entrances of the police station and the access to the detention rooms, for capturing the activities inside a police station and its surrounding areas.

The police respect the privacy and rights of arrestees and detainees. For the sake of privacy, the police do not and have no plan to install CCTVs in other places of a police station where arrestees are handled, including custody search area and detention rooms, or in the compartments of police cars.

MR KENNETH LEUNG (in Cantonese): *President, the complaint system mentioned by the Secretary earlier in his main reply is only a post-incident procedure of apportioning responsibility. In fact, the authorities may adopt certain immediate measures to prevent police officers from applying force abusively. As far as I know, the police in the United Kingdom have installed cameras in the compartments of police cars to record possible accidents or assaults on police officers, and this may also effectively prevent power abuse by police officers. According to the Secretary's main reply, CCTV surveillance systems have been installed in certain facilities used for handling arrestees in police stations, such as the access to the detention rooms. Since the police are now trying out the use of body worn video cameras by officers on duty, will the Secretary tell me why the authorities consider it necessary to respect privacy in the compartments of police cars and decided that CCTVs cannot be installed in the compartments?*

SECRETARY FOR SECURITY (in Cantonese): The police always carry out duty in a professional manner. Moreover, it is necessary for the police to take reasonable measures where practical circumstances permit to prevent the premature disclosure of the identity of arrestees, which may prejudice their interest in future trials. To protect the privacy of detainees, we have no plans to do so for the time being. As Mr LEUNG said earlier, CCTVs are indeed installed in some of the police cars, yet the CCTVs are not designed for recording the situation inside the compartment but circumstances outside the compartment, which are mainly matters relating to road safety. If any arrestee claims to have been assaulted by police officers in the course after his or her arrest and wants to lodge a complaint, the case can be processed under the existing mechanism. For under the existing mechanism, an arrestee has to be brought before the duty officer upon his arrival at the police station by the officer making the arrest. If the arrestee claims that he has been assaulted, he has the opportunity to make an immediate complaint. According to the mechanism, upon the receipt of the complaint, the duty officer is required to handle the case according to a series of prescribed procedures, including recording the facts of the case, and if the complainant agrees, the parts of his body being assaulted will be pictured and recorded and appropriate treatment will be administered. If the arrestee needed to be taken to the hospital for injury assessment, medical officers are required to fill out a form to describe his state after examining his condition. Therefore, regarding the existing mechanism, adequate safeguards have been put in place to protect the complainants.

MR LEUNG KWOK-HUNG (in Cantonese): *President, I am surprised that the Secretary is not only good at giving away Q & A, he is also good at answering questions. Mr Kenneth LEUNG asked him why CCTVs are not installed in police cars, yet he explained how the public could make a complaint in the absence of CCTVs. The point is simple. If I make a complaint of assault by a police officer, it will be useless, for no one has seen how it happened and it cannot be confirmed when the injury was inflicted. The police officer may even say that I beat him and he was just fighting back, and there is no way to verify whether ...*

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

MR LEUNG KWOK-HUNG (in Cantonese): *Therefore, the question asked by Mr Kenneth LEUNG is straightforward, that is, we need a mirror to reveal all. As you said earlier, a video camera for installation on vehicles is now quite popular, perhaps the President has also installed one on his car, which is used for recording the circumstances at the back or outside the car. However, we are not referring to this kind of devices. We are talking about recording the circumstances inside the car to check what the police officers or the suspects have done. Why can this not be done?*

PRESIDENT (in Cantonese): Mr LEUNG, please state your supplementary question. What is your supplementary question?

MR LEUNG KWOK-HUNG (in Cantonese): *He has not answered it, so I asked it once again. He mentioned the duty officer, but why is the duty officer involved?*

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

MR LEUNG KWOK-HUNG (in Cantonese): *I ask him to answer this again. I have already put forth my supplementary question. How will it affect the police if CCTVs are installed inside police cars and the video recording is used as evidence? How will it affect the protection of suspects? Since the Secretary has not provided me the questions and answers, I have to ask this question. Had the Secretary provided me with the questions and answers, I might not have asked the question in this manner.*

PRESIDENT (in Cantonese): Mr LEUNG, you have already asked your supplementary question, so please be seated.

SECRETARY FOR SECURITY (in Cantonese): President, as I said in my reply to Mr LEUNG's supplementary question earlier, the police have no plans to install CCTV systems in police cars for the time being, for the installation of CCTV systems will involve certain complicated and sensitive issues, such as privacy, and the police have to handle it cautiously. We consider that the existing system is adequate in addressing the issue. Certainly, regarding the views expressed by the two Members today, I believe the Commissioner of Police has also heard that.

MR LEUNG KWOK-HUNG (in Cantonese): *President, he has not answered my question. I asked him ... listen to me, I remember I asked him how the police and suspects would be affected if CCTVs were installed. He has not answered it. How can he give such an answer? He has mentioned neither the adverse impact on the police, nor the adverse impact on the suspects.*

PRESIDENT (in Cantonese): Mr LEUNG, the Secretary has already answered that.

MR LEUNG KWOK-HUNG (in Cantonese): *The situation is worse than what I faced in jail.*

PRESIDENT (in Cantonese): If you are not satisfied with the answer, you may follow up the issue through other channels.

MR LEUNG KWOK-HUNG (in Cantonese): *You are really "Great".*

PRESIDENT (in Cantonese): Please be seated.

MR WONG KWOK-KIN (in Cantonese): *President, if mutual trust is lacking, the installation of CCTVs, irrespective of the locations, will not have significant effect. I do not believe that CCTVs can be installed in toilets. What if the persons are beaten in the toilets? After all, it is a matter of mutual trust ...*

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

MR WONG KWOK-KIN (in Cantonese): *Yes, President, I am coming to my question. In fact, being assaulted is a subjective perception, and it is a matter of personal feeling. Last Sunday, Mr LEUNG Kwok-hung was complained for hitting an old woman in the Victoria Park ...*

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

MR WONG KWOK-KIN (in Cantonese): *Complaints about assault by police officers have been here for a long time. Yet after the reunification, the number has decreased considerably. When I reviewed the information, I noted that the number of cases found to be "substantiated" is limited. However, in the aftermath of certain storming and protest actions, it is true that more people have complained about having been assaulted by police officers. Therefore, may I ask the Secretary, after the storming of the Legislative Council Complex, whether the few persons complaining in front of the media for having been assaulted have lodged official complaints to the police or the IPCC? Have the police or the IPCC commenced investigations into these cases?*

SECRETARY FOR SECURITY (in Cantonese): Regarding the incident mentioned by Mr WONG just now, I do not have the information about the complaint. However, if the complainant lodges a complaint, the police will definitely follow the established procedures in a fair and impartial manner and the case will be investigated by the CAPO. After the investigation, the report will be submitted to the IPCC for examination as required by law.

MR WONG TING-KWONG (in Cantonese): *After the 1 July march this year, the so-called "Occupy Central rehearsal" was launched, causing serious obstruction to traffic in Central and inconvenience to public going to work and affecting emergency services. The police eventually cleared the scene. In the course, certain people said that the police had applied excessive force, yet I do not think so according to what I saw, where a protester was carried away by nearly three to four police officers. The police obviously applied restraint and only minimum force in clearing the scene. As for the protesters who wanted to*

stay at the scene, they certainly considered the police wrong to remove them from the scene by force and they thus said the police had applied excessive force.

However, the general public knows clearly that the police were only maintaining order and enforcing the law strictly, and there was no power abuse ...

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

MR WONG TING-KWONG (in Cantonese): ... *President, so my supplementary question is: May I know the number of complaint cases involving assaults by police officers which eventually proved that the practice of the police officer is only regular law-enforcement action, that the complaint is false or that there is no fault on the part of the police officer?*

SECRETARY FOR SECURITY (in Cantonese): I would like to thank Mr WONG Ting-kwong for his question. I will provide some figures for Mr WONG's reference here. Take the year 2013 as an example. There were 315 complaints about police officers assaulting other people, which accounted for 6.8% of the total number of complaints. After investigation, 17 cases were eventually found to be "false", 14 cases were found to have "no fault", 106 cases were "withdrawn" and 158 cases were "not pursuable". These are figures for the year 2013.

If the President allows, I will provide the figures of another year as an example. In 2012, there were 328 complaint cases, which was more or less the same of the 315 cases in 2012. Among them, 20 cases were "unsubstantiated", 17 cases were "false", 12 cases involved "no fault", 125 cases were "withdrawn" and 153 cases were "not pursuable".

As I said in the main reply earlier, a majority of the cases fall under the category of "withdrawn" and "not pursuable". In the past five years, it was proved that ... no case was found to be "substantiated".

MR ALBERT CHAN (in Cantonese): *President, as I watched the Secretary talking to himself, I felt pity and sorry for him. President, in the past, when certain police officers were accused of involvement in irregular or illegal practices, such as setting up certain people by placing illegal items on them or assault, and so on, video recordings were used in many complaint cases as successful proof of evidence. A number of years ago, in a case in Tai Wo Hau Estate, the police officer set up a person inside the lift by placing illegal items on the person, and his action was confirmed in the video recording. Eventually, the police officer in question was punished according to law. This is a fact cast in iron, an example.*

However, in many assault cases, since no video recording is available, police officers always say that the offenders have resisted arrest or have violent conduct. This is my personal experience. On 1 July 2011, I was assaulted by police officers in the public. Fortunately, the Oriental Daily News had taken a picture, and it served as evidence. The picture was later submitted as evidence to the Court and the Judge ordered that an investigation be carried out, yet by now, the result of the investigation is not yet available ...

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

MR ALBERT CHAN (in Cantonese): *My supplementary question is about the situation that more often than not, it is like a chicken talking to a duck, and that justice will never be done when police officers are responsible for investigating police officers. Will the Secretary examine and consider the request made by numerous people over the years of making the CAPO independent of the HKPF? An investigation can prove to be fair only when it is really independent. Otherwise, incidents like the raping of a young girl in a police station by a police officer and purloining the entrusted will continue to take place ...*

PRESIDENT (in Cantonese): Mr CHAN, you have already put forth your supplementary question, please be seated.

SECRETARY FOR SECURITY (in Cantonese): President, we certainly will not comment on individual case here. According to my understanding, the thrust of Mr CHAN's supplementary question is that the investigation work of the CAPO should not continue to be done by police officers but should be undertaken by an independent organization or a group of independent persons who are not members of the HKPF. In fact, for an extremely long period in the past, the issue had been discussed not only in the Legislative Council but also in society, particularly during the establishment of the IPCC as a statutory organization.

We have explained the justifications repeatedly. At present, the investigation unit under the CAPO is independent of other units in the HKPF. Police officers understand the practices adopted by police officers, and police officers responsible for the investigations into these cases possess the professional knowledge and skills required, which will make the investigation work more effective and efficient. The important point is that the investigation reports must be submitted to the IPCC. The IPCC is an independent organization. Apart from its committee members, a secretariat has been set up and independent officers will examine the reports.

Therefore, I think the most important point is that the investigation results must be submitted to the IPCC for examination and determination of whether or not the reports should be recognized. According to the existing law, if the IPCC considers that a report is problematic, it may return the case to the CAPO and request it to investigate the case afresh or provide additional information to the satisfaction of the IPCC. I believe the system has struck a balance among various aspects.

MR ALBERT CHAN (in Cantonese): *President, for police officers to investigate police officers, how can it be ensured that there will not be collusion, instances of calling a stag a horse ...*

PRESIDENT (in Cantonese): Mr CHAN, as you must be aware, debate is not allowed during Question Time. This Council has spent 23 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Railway Property Development Projects**

7. **MR WONG KWOK-HING** (in Chinese): *President, railway property development is a major source of housing supply in Hong Kong. However, the Secretary for Development pointed out early this year that the MTR Corporation Limited (MTRCL) failed to tender out any property development project in the past three years. In this connection, will the Government inform this Council:*

- (1) *whether it knows the reasons for, and the relevant details of, the MTRCL's failure to tender out any property development project in the past three financial years, and set out in a table the location, site area and number of residential units that can be provided in respect of each of such projects;*
- (2) *whether it knows the property development projects that the MTRCL plans to tender out in the coming five financial years, and set out in a table the location, site area and number of residential units that can be provided in respect of each of such projects;*
- (3) *given that the tendering exercises for the property development project at Light Rail Tin Wing Station in Tin Shui Wai have failed twice, whether the Government has conducted any feasibility study on changing the use of the site concerned for the development of subsidized housing; if it has, of the details (including the expected number of residential units to be provided) and when the study will be completed; whether it will discuss the matter with the MTRCL; if it will, of the details and the amount of payment involved for buying back from the MTRCL the property development right concerned; if not, the reasons for that; whether it will in future request the MTRCL to sell to the Government, for development of subsidized housing, the property development rights of those property development projects for which tendering exercises have failed for two or more times; if it will, of the details, and whether it will draw up the relevant criteria in this regard; if not, the reasons for that;*

- (4) *whether it has requested the MTRCL to improve the tendering arrangements so as to expedite the tendering out of property development projects; if it has, of the details; if not, the reasons for that; and*
- (5) *whether it will consider buying back from the MTRCL the rights for development of certain property development projects; if it will, of the details; if not, the reasons for that; whether it has conducted any study in this regard; if it has, of the details and the expected completion time for the study?*

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

- (1) As a listed company, the MTRCL has the discretion in taking forward the property development projects of which the development right rests with the MTRCL. Between 2011-2012 and 2013-2014, the MTRCL tendered its own property development projects at Tai Wai Station and Tin Shui Wai Light Rail Terminus, but the tendering was unsuccessful. In 2013-2014, the MTRCL successfully tendered its own development project at Tseung Kwan O Area 86 (Package 4). The information about these three projects is at Annex A. The market response to the property development projects tendered by the MTRCL may be affected by a couple of factors, such as the bidders' outlook for the property market, their own development strategy and commercial considerations, and so on.
- (2) According to our understanding, the information about the railway property development projects owned and being planned by the MTRCL is at Annex B.
- (3) The development right of the property development project at Tin Shui Wai Light Rail Terminus is owned by the MTRCL. We understand that the MTRCL is exploring the way forward for this project. As regards this project and other railway property development projects of which the tendering is unsuccessful in future, the Government will consider any proposal involving the Government based on its merits.

(4) and (5)

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

The MTRCL acquired the development rights of the projects set out at Annex B through the above means. These property development projects are planned and implemented by the MTRCL, including the setting of the tender conditions on its own (except Government land grant conditions). The Government will continue to communicate with the MTRCL on the implementation of its property development projects. As mentioned above, the Government will consider any proposal involving the Government based on its merits.

Annex A

Property development projects owned and tendered
by the MTRCL between 2011-2012 and 2013-2014

<i>Year of tender</i>	<i>Project</i>	<i>Lot area (hectare) (about)</i>	<i>Flat number (about)</i>	<i>Remarks</i>
2012-2013	Tai Wai Station	4.84	2 900	The MTRCL plans to re-tender the project in 2014-2015

<i>Year of tender</i>	<i>Project</i>	<i>Lot area (hectare) (about)</i>	<i>Flat number (about)</i>	<i>Remarks</i>
2012-2013 and 2013-2014	Tin Shui Wai Light Rail Terminus	1.82	1 500	The MTRCL is exploring the way forward for the project
2013-2014	Tseung Kwan O Area 86 Package 4	1.3	1 600	Successfully tendered in 2013-2014

Annex B

Railway property development projects
owned and being planned by the MTRCL

<i>Project</i>	<i>Lot area (hectare) (about)</i>	<i>Flat number (about)</i>	<i>Remarks</i>
Tai Wai Station	4.84	2 900	The MTRCL plans to re-tender the project in 2014-2015
Tin Shui Wai Light Rail Terminus	1.82	1 500	The MTRCL is exploring the way forward for the project
Tseung Kwan O Area 86 Remaining Packages	13.27 (to be confirmed)	11 900	The MTRCL plans to tender the remaining packages by phase from 2014-2015 onwards
Wong Chuk Hang Station	7.16	4 700	Tender schedule to be determined
Homantin Station	2.61	1 400	Tender schedule to be determined

Nursing Manpower and Training of Nurses

8. **DR LEUNG KA-LAU** (in Chinese): *President, it is learnt that currently there is a serious shortage of nursing manpower in public healthcare services. As a result, quite a number of new and existing services have been affected. Regarding nursing manpower and training of nurses, will the Government inform this Council if it knows:*

- (1) *the number of new healthcare services that the Hospital Authority (HA) plans to launch in each of the coming five years, and set out the nursing manpower required for each service;*
- (2) *whether the HA has projected the numbers of vacancies for enrolled nurses and registered nurses in various specialist services in each of the coming five years; if the HA has projected, set out a tabulated breakdown of such vacancies by rank and number of service years required; if not, the reasons for that;*
- (3) *why the HA plans to close down the schools for training enrolled nurses under the United Christian Hospital, Prince of Wales Hospital and Pamela Youde Nethersole Eastern Hospital this year; the number of nurse training places and the amount of expenditure reduced as a result of such a plan;*
- (4) *in each of the coming five years, (i) the respective numbers of places of Bachelor of Nursing programmes and Higher Diploma in Nursing programmes to be offered by various publicly-funded tertiary institutions, (ii) the respective numbers of places of enrolled nurses and registered nurses training programmes to be offered by the nursing schools under public hospitals, and (iii) the respective numbers of nursing graduates that will be recruited by public general and psychiatric services; and*
- (5) *the respective current unit costs for public hospitals to train enrolled nurses and registered nurses?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the HA is responsible for managing the public hospital system in Hong Kong and providing quality and affordable public health services to the public.

"The Strategic Plan 2012-2017" is an overarching document for service and development planning of the HA, outlining the objectives and strategies to be pursued by the HA in the coming five years. It also provides directions and guidelines for its annual planning so that clinical and executive staff may align their programme initiatives in the process of service planning.

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

(1) and (2)

Starting from 2012-2013, "the Strategic Plan 2012-2017" guides the development of the HA's annual plans for the following five years. The aim is to steer the HA towards achieving its common vision and mission.

Every year, the HA follows the annual planning process in formulating the work plan for the next year. During the process, it will review the overall supply and demand of resources and manpower, and allocate funds and manpower to hospitals in various clusters in accordance with the annual work plan.

The HA will seek annual funding through the Government's Resource Allocation Exercise to meet the needs of daily operation and new services of the hospitals. In formulating the resource allocation (including nursing service and manpower distribution) to various clusters, the HA will consider the following factors:

- (i) the resources needed to sustain the operation of existing services of various clusters;
- (ii) the new services and priority initiatives that have been approved in the annual planning process;
- (iii) the resources required to address the needs of other specific pressure areas/service gaps;

- (iv) replacement for manpower wastage of hospitals in various clusters in the previous year; and
- (v) nursing manpower requirement estimated according to a workload assessment model.

The targeted number of nurses to be recruited each year by the HA is set having regard to the turnover rate and the manpower required for providing new services. On the operational front, the HA will flexibly deploy nursing staff to provide existing and new medical services. Therefore, the HA has not maintained statistics on the vacancy of nursing staff in respect of each medical service programme and specialty.

In general, the HA has strengthened the recruitment of nurses in recent years to relieve the pressure on nursing manpower. The increase in the number of nurses is mainly for the provision of new medical services. The net increase in the number of nurses each year is listed in the following table:

<i>Year</i>	<i>Number of nurses</i>	<i>Net increase</i>
2009-2010	19 866	-
2010-2011	20 102	236
2011-2012	20 901	799
2012-2013	21 816	915
2013-2014	22 759	943
Total		2 893

The HA estimated that there was a shortfall of about 600 nurses in 2013-2014. The HA has implemented various measures to attract and retain staff, including strengthening recruitment, enhancing promotion prospects and supporting career development of enrolled nurses, with a view to relieving the manpower shortage of nurses. The HA will continue to monitor the manpower situation and make appropriate arrangements in manpower planning to cope with the service demand.

- (3) To ensure a sufficient provision of nurses to meet service demand, the HA reopened the four Enrolled Nurse (General) training schools at the Pamela Youde Nethersole Eastern Hospital, the Grantham Hospital, the United Christian Hospital and the Prince of Wales Hospital in 2008. The number of nursing students trained for the HA by these schools in the last five years is set out as follows:

<i>Year</i>	<i>Number of nursing students</i>
2009-2010	320
2010-2011	320
2011-2012	100
2012-2013	100
2013-2014	100

In addition, the Social Welfare Department (SWD) has collaborated with the HA to organize a two-year Enrolled Nurse (General) Training Programme for the welfare sector since 2006 to alleviate the shortage of nurses in the welfare sector. The number of nursing students admitted in the last five years is set out as follows:

<i>Year</i>	<i>Number of nursing students</i>
2009-2010	220
2010-2011	190
2011-2012	160
2012-2013	260
2013-2014	260

Since starting from 2014-2015, the SWD no longer designates the HA as the collaborating partner on organizing Enrolled Nurse training programmes for welfare sector, and having considered the cost-effectiveness to maintain the three Enrolled Nurse training schools for training 100 nurses each year, and in view of the redevelopment works of the United Christian Hospital and the planned redevelopment project of the Prince of Wales Hospital (Phase 2), the two hospitals will cease to admit new students for enrolled nurse training with effect from 2014-2015. Since the accreditation given to the Enrolled Nurse Training Programme of Pamela Youde Nethersole Eastern Hospital by the Nursing Council

of Hong Kong was valid up to 2012-2013, the hospital's nursing school has ceased to enrol students in 2013-2014 and will close in October 2014. Nevertheless, the number of places for the Enrolled Nurse training programme of the HA will remain unchanged in 2014-2015, maintaining at 100 annually. The Enrolled Nurse Training Programme of the HA will continue to be conducted in the nursing school of the Grantham Hospital. Since the number of places for the HA's Enrolled Nurse programmes remains at 100 in 2014-2015, there is no reduction in programme expenditure.

- (4) Nursing is a discipline which is subject to the Government's specific manpower requirements. At the beginning of each triennium of the planning of student number targets, the University Grants Committee (UGC) will inform the institutions offering the manpower-planned programmes of the respective student number targets advised by the Administration. For the 2012-2013 to 2014-2015 triennium, the first-year-first-degree and senior year intake places for nursing programme increased from 590 and 100 respectively in the 2011-2012 academic year to 630 and 125 respectively in the 2014-2015 academic year. The UGC-funded institutions do not have plan to offer the UGC-funded Higher Diploma in Nursing programmes in 2014-2015 academic year. As regards the next triennium (that is, 2015-2016 to 2017-2018 academic years), planning is under way and the student number targets of the manpower-planned programmes (including nursing programmes) will be determined in due course.

The HA's nursing schools plan to continue to enrol 300 Registered Nurse students and 100 Enrolled Nurses students in 2014-2015. The HA will assess the demand for nursing manpower on a yearly basis in order to confirm the number of nursing students to be enrolled each year before making further projection on the respective number of nursing graduates to be recruited by general and psychiatric units of hospitals each year.

- (5) The cost of providing training for nursing students by the HA's nursing schools includes staff expenditure and other operating costs, and the training of nurses is mainly provided through nursing

schools and on-the-job training. Since the training of nurses forms part and parcel of the HA overall service provision, the requested cost breakdown is not available. Moreover, the HA does not calculate costs with students as units. Hence, figures about the unit cost per Registered/Enrolled Nurse student are not available.

Guidelines for Police Officers for Handling Abusive Behaviour by Members of Public

9. **MR WONG YUK-MAN** (in Chinese): *President, on 17 March this year, the police issued to their officers the Guidelines for handling abusive behavior by members of the public (the Guidelines). The Guidelines are applicable during the discharge of daily duties by police officers such as responding to requests for assistance from the public, conducting stop and search as well as taking traffic enforcement actions, and so on, but not applicable during their handling of public order events (POEs). In explaining the background leading to the formulation of the Guidelines, the authorities pointed out that in the course of performing their duties, police officers might encounter individuals acting in an abusive, rude or unco-operative manner in an attempt to impede their discharge of duties or to humiliate them, and the Guidelines served to help police officers handle such situations effectively and standardize the principles and practices for tackling similar scenarios within the Police Force. In this connection, will the Government inform this Council:*

- (1) *as the police have indicated that under certain circumstances, police officers may need to take enforcement actions if the person acting in an abusive manner has committed or is about to commit an offence, whether the enforcement actions concerned refer to the arrest and prosecution actions taken under section 23 (Resisting or obstructing a public officer or other person lawfully engaged in a public duty) of the Summary Offences Ordinance (Cap. 228);*
- (2) *whether the police have studied the circumstances under which members of the public acting in an abusive, rude or unco-operative manner towards police officers will impede their discharge of duties; if they have, of the outcome; and*

- (3) *whether, before formulating the Guidelines, the police have studied how individual police officers being humiliated by the abusive acts of members of the public will affect the image of the Police Force; if they have, of the outcome; whether they have set quantifiable indicators to assess the impact of the police image on the efficiency of law-enforcement by police officers; if they have, of the details; given that an incident of some members of the public querying police enforcement actions occurred in Sai Yeung Choi Street South, Mong Kok, in August last year, whether the Guidelines are applicable to the handling of similar situations?*

SECRETARY FOR SECURITY (in Chinese): President, police officers have been discharging their duties in accordance with the law in a professional manner to safeguard the life and property of the public, uphold the rule of law and maintain public safety and order in Hong Kong. They should be respected by members of the public. However, in the course of their duties, police officers may encounter individuals acting in an abusive, rude or unco-operative manner in an attempt to impede their discharge of duties. To assist police officers in their effective handling of such a situation, and to standardize the principles and practices for tackling similar scenarios within the Force, the Force have issued a set of internal guidelines for handling abusive behaviour by members of the public to police officers to help front-line officers to respond to such incidents in a professional manner with an impartial attitude and effective communication skills, so as to ensure that professional and quality services are delivered to the public.

My reply to Mr WONG Yuk-man's question is as follows:

- (1) and (2)

Police officers will exercise their professional judgment with respect to the circumstances of each case, and appropriately handle and respond to each case in the light of the subject's behaviour and the nature of the report/complaint. The guidelines serve to remind police officers that in their discharge of duties they should remain restrained and patient in the face of abusive or unco-operative behaviour by members of the public. Where appropriate, police officers shall diffuse the situation and pay attention to their own speech and body language to prevent the situation from worsening further.

Abusive behaviour towards police officers does not constitute an offence under existing legislation. If no offence is committed or likely to be committed by the subject while he is acting in an abusive manner, and there is no longer any constabulary purpose to be served in remaining at the scene, the officer will leave the scene and resume his duties, for example patrols, after finishing his tasks on the spot, ensuring that all reasonable actions have been taken and explaining the reasons for the police action.

Under certain circumstances, police officers may need to take enforcement actions if the subject has committed or is about to commit an offence. Advice or warning may be given where appropriate, and appropriate actions may be considered if the subject continues with an action that may constitute an offence. Having regard to the subject's offence that has been committed, police officers may, in the light of the circumstances, take arrest actions in accordance with the relevant laws.

Appropriate enforcement actions may only be taken by a police officer if he reasonably believes that an offence has been committed. The police, when pressing charges in relation to a case, have to furnish sufficient evidence to the Court and, where necessary, seek advice from the Department of Justice. There is no difference in terms of the enforcement actions taken by the police in other scenarios.

- (3) The guidelines are formulated on the basis of existing legal framework without enacting any new offences. Such guidelines are drawn up primarily to assist officers in discharging their daily duties, such as responding to requests for assistance from the public, conducting stop and search and taking traffic enforcement actions. The guidelines are not applicable to the police's handling of POEs. As POEs are of a unique nature, the police will formulate contingency plans and overall strategies for such events having taken into account complicated considerations, such as locations, routes, number of participants, arrangements and nature of the events, traffic conditions and manpower on the spot, and so on. Police officers will handle POEs in accordance with the related procedures. Given that the handling of POEs involves the various considerations as

mentioned above, the situation on spot and the nature of the incident, the field commander who is present at the scene is required to decide on the appropriate contingency measures and related actions.

The police understand that public support and co-operation are of paramount importance to the effective discharge of duties by police officers. The promulgation of the guidelines for handling abusive behaviour by members of the public towards police is part of the police's commitment to enhancing officers' professionalism and ensuring the quality service of the Force. Ongoing efforts will be made by the police to serve the public in a professional manner.

Crimes and Security Situations at Hong Kong International Airport

10. **MR YIU SI-WING** (in Chinese): *President, regarding the crime and security situations at the Hong Kong International Airport (HKIA), will the Government inform this Council:*

- (1) *of the number and the breakdown of the crimes which occurred within the precincts of the HKIA in each of the past three years, and among such cases, the number of those that were detected as a result of the reports by members of the public; whether the authorities rewarded the informants; if they did, of the details; if not, the reasons for that;*
- (2) *as it has been reported recently that the negligent and perfunctory working attitude of some airport security guards has resulted in loopholes in the security inspection work at the HKIA, whether the Government knows the number and the breakdown of the complaints about the working attitude of airport security guards received from visitors by the Airport Authority in the past three years; and*
- (3) *of the measures that the authorities will take to combat crimes at the HKIA and improve the service performance of airport security guards, so as to maintain the HKIA's reputation of having good security standard?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, our reply to the various parts of the question raised by Mr YIU Si-wing is as follows:

- (1) The number of crimes occurred in the Airport Police District from 2011 to 2013 is at Annex 1. The police do not maintain a breakdown of statistics by the number of reports made by members of the public.

To encourage members of the public to assist the police in fighting crimes, police will, having regard to the nature and situation of each case, consider giving those who render positive assistance to the police in prevention or detection of crime, or in the apprehension of criminals, the Good Citizen Award as recognition to their contribution.

- (2) The Aviation Security Company Limited (AVSECO) will investigate all complaints it has received. When a complaint is substantiated, AVSECO will take disciplinary or other appropriate action accordingly. Each year, the AVSECO conducts more than 40 million security checks on travellers, air crew members and airport staff. According to the information provided to the Airport Authority Hong Kong by the AVSECO, there were a total of 76 relevant complaints as received by the company in the past three years (2011 to 2013), of which 13 cases were substantiated. Most of these complaints involved the performance and attitude of security staff who were on duty, and the handling of restricted articles. The number of complaints as received by the AVSECO by year is set out at Annex 2.
- (3) The Airport Police District has launched the "Project PRE-EMPT" to instill the awareness of security and crime prevention in the airport staff through strengthening the communications with the airport community, thereby promoting the co-operation between the police and the public in the prevention and combat of crimes. The project involves disseminating information on the crime trends and *modus operandi* of crimes in the district to the airport community, providing

security workshops for the various industries in the airport community and providing an additional crime reporting hotline for the staff of the airport. In addition, the Airport Police District promotes the message of protecting personal belongings to tourists in the airport by various means, such as through public and cabin broadcasting, and regular report on the latest crime trend in the *Police Magazine* so as to provide citizens with relevant crime prevention messages.

In order to maintain the security standard of the Hong Kong International Airport, the AVSECO will continue to keep up and enhance the performance of its security staff through strengthening professional training in different work aspects, conducting internal security tests to verify the existing security measures, and enhancing the co-ordination of security checks by front-line staff.

Annex 1

The number of crimes in the Airport Police District

<i>Crimes</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Possession of Arms and Ammunition	73	93	307 ^{Note}
Other Miscellaneous Thefts	319	281	283
Thefts (Shop Theft)	246	135	174
Deception	27	31	32
Wounding and Serious Assault	23	10	18
Serious Narcotics Offences	4	6	16
Indecent Assault	13	10	11
Disorder/Fighting in Public Place	6	10	10
Other Crimes	149	174	152
Total	860	750	1 003

Note:

The majority (261 cases) of which involves airport visitors found to possess stun guns devices at security control.

The number of complaint cases as received by AVSECO
regarding the work attitude of airport security staff

<i>Year</i>	<i>Number of complaint cases substantiated</i>	<i>Number of complaint cases not substantiated</i>	<i>Total number of complaint cases</i>
2011	7	14	21
2012	2	24	26
2013	4	25	29

Selling of Self-financing Departments by Institutions Funded by UGC

11. **MR IP KIN-YUEN** (in Chinese): *President, it was reported in the press on the 26th of last month that the City University of Hong Kong (CityU) planned to sell the Community College of City University (CCCU), which it established in 2004 to provide self-financing associate degree programmes, and was now negotiating with two potential buyers. As the CityU is one of the institutions funded by the University Grants Committee (UGC-funded institutions), and most of the other UGC-funded institutions also have similar self-financing departments, the sale plan affects not only the current nearly 7 000 students and 200 teaching staff members of the CCCU, but also future students enrolling in programmes offered by such self-financing departments. In this connection, will the Government inform this Council:*

- (1) *whether the authorities knew the CityU's plan to sell the CCCU prior to the aforesaid press report; if they did, of the details of the plan; if not, the reasons for that; of the measures taken by the authorities to follow up the plan;*
- (2) *whether it knows if the CityU has conducted any public consultation on its plan to sell the CCCU;*
- (3) *given that the authorities provided interest-free loans of about \$45 million and \$600 million to the CityU through the "Start-up*

Loan Scheme for Post-secondary Education Providers" in 2002 and 2005 respectively to subsidize its renting and renovation of commercial premises in Kowloon Bay and the construction of buildings in its Kowloon Tong main campus as the school premises of the CCCU, whether the authorities had, in granting those loans, imposed conditions on the management and operation of the CCCU, as well as on the right to use and the uses of the school premises concerned; if they had, of such conditions; if not, the reasons for that;

- (4) of the authorities' role in monitoring the uses of the newly built school premises referred to in part (3) after full repayment of the loans by the CityU; whether they have studied which parties will own the school premises upon the CityU's completion of the sale of the CCCU, and which parties decide on the uses of the school premises;*
- (5) whether it has studied which party owns the proceeds from the sale of the CCCU by the CityU;*
- (6) of the authorities' measures to ensure that the programmes offered by the CCCU after the sale will be of high quality and that the rights and interests of the teaching staff and students of the CCCU will not be undermined because of the sale;*
- (7) of the vetting and approval procedures for the UGC-funded institutions to establish self-financing departments; which self-financing departments are registered under the Companies Ordinance (Cap. 622) at present; how the authorities monitor the management and operation of such self-financing departments; whether the UGC-funded institutions are required to apply to the authorities for selling their self-financing departments; if such applications are required, of the vetting and approval procedures, how the authorities monitor the sale process, and whether the authorities will, in approving such applications, impose conditions on the buyers' future management and operation of the self-financing departments concerned; and*

- (8) *in cases where the UGC-funded institutions have sold their self-financing departments, what requirements and procedures are currently in place to deal with matters relating to the programmes offered, academic qualifications awarded and employment contracts entered into by such self-financing departments prior to the sale?*

SECRETARY FOR EDUCATION (in Chinese): President, post-secondary institutions in Hong Kong enjoy a high degree of autonomy in academic development and administration. It is the Government's policy to support the parallel development of the publicly-funded and the self-financing post-secondary education sectors.

- (1), (2), (5), (6), (7) and (8)

The eight institutions funded through the University Grants Committee (UGC) are autonomous statutory bodies, each with its own ordinance and governing Council as the supreme governing body. While enjoying a high degree of institutional autonomy in academic development and administration, each institution should be mindful of the interests of the students and the public and be held accountable for their decisions.

Generally speaking, the UGC-funded institutions may decide on the setting up of their self-financing operations and the future development of these establishments on their own without the need to seek the approval of the Education Bureau. That said, institutions should ensure that self-financing activities do not detract from their core work and have distinct separation of resources from publicly funded programmes. As for arrangements involving staff and students, institutions should also ensure that there is adequate consultation and communication.

Self-financing operations of the UGC-funded institutions currently registered under the Companies Ordinance (Cap. 622) include the CCCU, HKIEd School of Continuing and Professional Education Limited of the Hong Kong Institute of Education, the College of Professional and Continuing Education Limited, Hong Kong Community College and The Hong Kong CyberU Limited of the

Hong Kong Polytechnic University, and HKU School of Professional and Continuing Education of the University of Hong Kong.

The CityU has informed the Education Bureau of its initial ideas on the future development of its CCCU which offers self-financing programmes, but a decision has yet to be made. Given the possible impacts of the development on its staff and students, the Education Bureau has made it clear to the CityU that any arrangements have to take into account the interests of the existing staff and students, as well as the quality and recognition of programmes.

(3) and (4)

In 2005, the Government granted a loan of \$599.5 million to the CityU for constructing premises for the CCCU to provide self-financing post-secondary programmes. A loan agreement, which specified the uses of the premises, was signed between the Government and the CityU in 2007. The CityU started to repay the loan in 2009 until it was fully repaid in 2013, followed by the termination of the loan agreement. Nevertheless, the Education Bureau strongly recommended at that time that the CityU should take into account the interests of the CCCU's students in the use of the premises. The land in which the premises located is granted to the CityU by the Government through private treaty, and the CityU is required to use the premises according to the conditions of grant.

In addition, the Government granted another loan of \$44.756 million to the CityU in 2002 for renting and refurbishing the commercial premises in Kowloon Bay as the campus for the CCCU. The CityU also repaid the loan in full in 2013.

Supply of and Demand for School Places in Islands District

12. **MR LEUNG YIU-CHUNG** (in Chinese): *President, it is learnt that the population of the Islands District (including Lantau Island, Lamma Island, Cheung Chau, Ping Chau, and so on) has been increasing in recent years, which*

has resulted in a shortfall of school places in the kindergartens, primary schools and secondary schools in the District. As a result, quite a number of students residing in the Islands District have to travel to other districts to attend schools. In this connection, will the Government inform this Council:

- (1) in each of the past five years, of the respective numbers and rates of increase of students in the Islands District who were of the respective ages for attending kindergartens, primary and secondary schools, as well as the number and percentage of such students attending schools in the school net to which their places of residence belonged;*
- (2) given that some students residing in the Islands District have to travel to the urban areas for attending schools every day, whether the authorities have assessed the impacts of leaving home early, coming home late and travelling long distance, on the learning and daily lives of these students; if they have assessed, of the outcome and relevant statistics, and whether they have taken any follow-up actions (including exploring improvement measures); if they have not made any assessment, the reasons for that; and*
- (3) given that the former New Territories Heung Yee Kuk Southern District Secondary School situated in Mui Wo has ceased operation for a number of years, whether the authorities will re-allocate the school premises for school use; if they will, of the relevant plan and timetable; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, regarding the supply of and demand for school places in the Islands District, our response to Mr LEUNG is as follows:

- (1) Based on the results of the 2006 Population By-census and the 2011 Population Census, figures on persons of ages considered suitable for receiving kindergarten (KG), primary and secondary education respectively who were residing in the Islands District Council (DC) District are given in Table 1, whereas figures on students who were residing and studying in the Islands DC District by levels of

education are given in Table 2. We do not have the respective figures in each of the past five years.

- (2) The provision of public sector primary and secondary school places of the Islands DC District is expected to be sufficient to meet the demand in the past as well as the coming few years. As regards school choice, the Education Bureau encourages parents to make school choice based on their children's needs, aspirations and expectations. With the development of our society and the enhanced transport network in recent years, proximity of the place of residence to a school is no longer the primary consideration or sole concern of all parents of applicant children. The educational philosophy and characteristics in curriculum of individual schools are also parents' major considerations. For the purpose of balancing and catering for the concerns and needs of different stakeholders as far as possible, parents are allowed to choose any school(s) at the Discretionary Places Stage and in the part for Unrestricted School Choices at the Central Allocation Stage, and to choose any school(s) in the school net to which an applicant student belongs through the relevant part of school choice for Central Allocation with demarcation of school nets based on the district administration boundaries, under the prevailing Primary One Admission System and Secondary School Places Allocation System. In light of the foregoing, we have not conducted any study on the impact of cross-net schooling.
- (3) The Education Bureau has an established mechanism on handling vacant school premises. We will consider if the size, location and physical conditions of the premises would render it suitable for re-allocation for school or other educational uses. As regards the use of vacant school premises for meeting the demand for public sector primary and secondary school places, the Education Bureau has been monitoring closely the educational needs of students and the supply of and demand for school places so as to ensure the provision of sufficient public sector school places. In the past as well as in the coming few years, the supply of public sector primary and secondary school places in the Islands DC District has been/is projected to be sufficient to meet the demand. Having regard to the projected supply of and demand for public sector school places in the

District and having assessed the suitability of the former New Territories Heung Yee Kuk Southern District Secondary School premises for further school or other educational use, the Education Bureau has informed the Planning Department and returned the premises to the relevant departments (such as Lands Department) for consideration of alternative uses in accordance with the prevailing established arrangement.

Table 1: Persons aged 3 to 18 who were residing in Islands DC District by age groups in 2006 and 2011

<i>Age Group</i>	<i>2006</i>	<i>2011</i>
3-5 (considered suitable for receiving KG education)	4 277	3 787
6-11 (considered suitable for receiving primary education)	10 753	8 271
12-18 (considered suitable for receiving secondary education)	13 271	12 524

Note:

The figures should not be taken as the number of students at the respective levels of education as under- and over-aged students can also enrol in those levels.

Source: 2006 Population By-census and 2011 Population Census, Census and Statistics Department

Table 2: Students who were residing in the Islands DC District by whether they were studying in the Islands DC District and levels of education (highest educational attainment) in 2006 and 2011

<i>Year</i>	<i>Level</i>	<i>Students studying full-time courses</i>		
		<i>Place of Study</i>		<i>Total</i>
		<i>Islands DC District</i>	<i>Other Districts</i>	
2006	Pre-primary ⁽¹⁾	3 999 (85%)	733 (15%)	4 732 (100%)
	Primary ⁽²⁾	9 303 (83%)	1 970 (17%)	11 273 (100%)
	Secondary ⁽³⁾	7 247 (59%)	5 090 (41%)	12 337 (100%)

Year	Level	<i>Students studying full-time courses</i>		
		<i>Place of Study</i>		<i>Total</i>
		<i>Islands DC District</i>	<i>Other Districts</i>	
2011	Pre-primary ⁽¹⁾	3 808 (90%)	417 (10%)	4 225 (100%)
	Primary ⁽²⁾	7 011 (81%)	1 619 (19%)	8 630 (100%)
	Secondary ⁽³⁾	7 391 (65%)	4 064 (35%)	11 455 (100%)

Notes:

- (1) Including all classes in kindergartens and child care centres.
- (2) Including Primary One to Six in all educational institutions.
- (3) Including (i) Secondary One to Three in all educational institutions; (ii) Secondary Four to Five of the old academic structure, Secondary Four to Six of the new academic structure or equivalent in all educational institutions, Project Yi Jin and craft level; and (iii) Secondary Six to Seven of the old academic structure or equivalent in all educational institutions.

Source: 2006 Population By-census and 2011 Population Census, Census and Statistics Department

Wild Pig Hunting Teams

13. **MS CLAUDIA MO** (in Chinese): *President, according to the information of the Agricultural, Fisheries and Conservation Department (AFCD), the two wild pig hunting teams in Hong Kong formed by civilian volunteers (the hunting teams) carried out an operation every three days and shot to death one wild pig in every two operations on the average in the past five years. Members of the hunting teams are issued arms licences by the Hong Kong Police Force and may therefore keep arms and ammunition at home. It was reported that in recent years, there had been blunders concerning the hunting process of the hunting teams and the possession of ammunition by their members. For example, the hunting teams carried out an operation in the presence of nearly 50 onlookers and without cordoning off the restricted area even though the wild pigs posed no immediate threat to the public; they were alleged to have violated the rule that prohibits hunting operations on Saturdays and public holidays; and a member of*

the hunting teams had eight Remington bullets stolen from his home, and so on. In this connection, will the Government inform this Council:

- (1) given that there were just a very few incidents of wild pigs injuring humans in the past several years and that due to the decline of agriculture in Hong Kong, crop damages caused by wild pigs are rare, whether it has examined the necessity of carrying out frequent operations by the hunting teams; of the reasons for the frequent operations; whether the authorities have kept detailed records and reports on each operation;*
- (2) given the stringent control on the import, possession and use of arms and ammunition under the laws of Hong Kong, why the authorities issued arms licences to members of the civilian hunting teams;*
- (3) of the improvement measures to be taken by the authorities to address the several blunders made by the hunting teams during their hunting operations; whether they will consider transferring the task of hunting wild pigs to the AFCD and/or the police (for example, the police will fire dart guns to tranquilize the wild pigs and the AFCD staff will take care of the remaining matters) to ensure that the hunting operations are carried out by public officers according to stringent, disciplined and safe procedures;*
- (4) as I have learned that upon receipt of reports about sighting of wild pigs in the urban area, the AFCD will send veterinarians to tranquilize the wild pigs with dart guns and then return them to country parks, whether the authorities will consider using the same method in dealing with wild pigs found near the community, and shooting wild pigs to death only when strictly necessary;*
- (5) whether any casualties (including those inflicted on members of the hunting teams and members of the public) were caused by the operations of the hunting teams in the past three years; if so, of the details and who were held liable;*
- (6) as it has been reported that the hunting operations of the hunting teams require prior approval of the relevant divisional police stations and preparation work takes about one week, whether the*

police will, in order to ensure public safety, consider making public on their website, at least 48 hours before the operation, (i) the date, time and location of the operation as well as the names, identification numbers and number of the hunting team members involved, (ii) details of the complaints lodged by the public, (iii) findings of field inspections, and (iv) justifications for carrying out the hunting operation (that is, the case is referred to the hunting teams for following up upon the confirmation that no feasible guarding measures against the wild pigs are available), and making public the report on the operation (including the hunting process and the method used to dispose of the carcasses) for public inspection;

- (7) as there has been controversy about the necessity of the hunting teams shooting the wild pigs to death in several of their operations and for that reason the AFCD has also been subjected to much criticism for lack of respect for animals' right to live, whether the AFCD will consider formulating more concrete and clearer codes of operation, for example, to stipulate the degree of property damage or personal threat caused to people by wild pigs which warrants approval of hunting operations;*
- (8) of the number of wild pigs shot to death by the hunting teams in the past five years, and the outcome of a comparison of such number with that of other wild animals shot to death by the AFCD in the same period, together with the details of such cases (including the dates and districts of and reasons for the operations, the types of wild animals involved, and the method used to dispose of the carcasses);*
- (9) as it is stipulated under the guidelines of the AFCD that the hunting teams must dispose of the carcasses of wild pigs at the animal carcass collection points under the Food and Environmental Hygiene Department (FEHD), how the FEHD handles the carcasses at present, and whether it has formulated guidelines and kept formal records in this respect; if so, of the details; if not, whether it will consider formulating such guidelines and keeping the records; and*

- (10) *whether anyone collected the carcasses of wild pigs from the AFCD or the FEHD in the past three years; if so, of the collection procedures and details of each case (including the date and quantity of collection and the identity of the collector)?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, our reply to Ms MO's question is as follows:

- (1) and (7)

Wild pigs are the largest terrestrial mammals in Hong Kong, and adults may weigh up to 150 kg. Due to lack of natural predators and high reproductive rates, wild pigs grow unchecked. Adult males have tusks to dig up roots for food or to attack others. If provoked or assaulted, they may become aggressive and may attack human, thus constituting a threat to human safety. There were cases in which people were injured by wild pigs. As they move around, they may cause damage to the environment and crops. In this connection, in other parts of the world, such as European countries, Australia, New Zealand, the United States and some countries in Southeast Asia, wild pigs are generally categorized as "pests", and their population would be controlled by hunting. In Hong Kong, wild pigs are not protected wild animals, and the AFCD has controlled their population by the same means.

Upon receiving complaints from members of the public alleging frequent appearance of wild pigs which has caused damage or posed threat to them, the AFCD will conduct field investigations. The AFCD staff will recommend preventive measures to the complainants, such as proper management of outdoor garbage, erection of fence or enhanced lighting, and so on. If it is confirmed that the occurrence of wild pigs has caused perpetual damage or threat, and the preventive measures are not effective, the AFCD will inform the wild pig hunting teams to arrange hunting operations so as to reduce the threats posed on human safety and property.

Over the past five years, the AFCD has received more than 1 500 complaints against wild pig nuisance, that is, an average of about six cases per week. Among them, only about 20% of cases have been referred to the hunting teams for hunting operations. After each wild pig hunting operation, regardless of whether it is successful or not, the hunting team has to submit reports to the AFCD and the police for record purpose.

- (2) The AFCD has issued Special Permits to the hunting teams for wild pig hunting. The Special Permits are valid for a year. One of the conditions of the AFCD's Special Permits is that the permit holder and the approved hunting team members shall obtain valid arms licences issued by the Commissioner of Police and shall fully comply with the licence conditions thereunder before they can take part in hunting operations. All hunting team members have to undergo and pass the police's standard firearms qualification test in order to obtain the arms licences.
- (3) Wild pig hunting is an effective measure in managing wild pigs. As it has been functioning well, there is a need to retain the hunting teams to address the current situation. The AFCD will continue to closely monitor the appearance of wild pigs to ensure that wild pig hunting operations are carried out under appropriate circumstances. If necessary, the AFCD will review the situation with the hunting teams and offer advice accordingly.
- (4) The tranquilizer dart guns are used according to the circumstances at scene. Since the general anaesthetics has to take about five to 20 minutes to maximize its efficacy, wild pigs may flee immediately after being darted with anaesthetics, and pose danger to the public, and then it will become more difficult to capture them. Only if there are wild pigs injured or trapped in urban areas, the situation at scene warrants and the wild pigs are unable to leave the scene by themselves, the AFCD will deploy vets to capture them with anaesthetics. For those wild pigs which stray in urban areas and have not caused perpetual nuisance or damage, if it is confirmed that they are in good health condition, the AFCD will relocate them in countryside areas that are remote from residential areas.

- (5) Apart from obtaining the special permit from the AFCD, the hunting team members must also pass the standard shooting test before engaging in hunting. The hunting teams must comply with the requirements of the AFCD and the police of taking safety measures to prevent accidents and injury incidents. Previous hunting operations did not involve personal injuries or fatalities, and the hunting teams have to take out adequate accident insurance in order to provide proper accident protection.
- (6) Upon receipt of notification, hunting team members will be sent to the scene. Confirming to arrange hunting operations, the hunting team will inform the AFCD in writing, which will relay the information to the relevant department(s) and the District Office (DO) concerned, so that they can inform the villagers/residents in the vicinity as soon as possible. The hunting team shall also put up an application to the police station concerned at least two working days in advance, stating in detail the arrangements of the wild pig hunting operation, such as the date, time, hunting area, and the list of hunting team members who will participate in the hunting operation, and so on. The hunting team shall obtain prior written approval from the police (Divisional Commander) before conducting the hunting operation on the date, time and venue as approved by the police.

The DO concerned will also inform local villagers/residents of the hunting operation details for safeguarding public safety. Hunting operations are not allowed to be carried out on Saturdays, Sundays and Public Holidays. The existing arrangements are considered effective.

After each operation, the hunting team leader shall submit reports to the AFCD and the police for record purpose.

- (8) Apart from wild pig hunting operation, the AFCD has not killed other wild animals with firearms. The number of wild pigs being killed with firearms by the wild pig hunting teams in the New Territories, Kowloon, Hong Kong Island and other outlying islands over the past five years are listed as follows:

<i>Year</i>	<i>New Territories</i>	<i>Kowloon</i>	<i>Hong Kong Island and other outlying islands</i>	<i>Total</i>
2009	53	0	3	56
2010	78	1	7	86
2011	31	1	8	40
2012	34	0	10	44
2013	41	0	14	55

Wild pigs being killed by the wild pig hunting teams will be transported to the Animal Carcass Collection Points (Collection Points) operated by the FEHD pending processing.

- (9) Contractors of the FEHD collect animal carcass at the Collection Points on daily basis. Being informed by the public or other government departments of animal carcass found in public places, the FEHD will arrange its contractors to collect the animal carcass at site as soon as possible. The contractors will apply chloride of lime onto the animal carcass to be collected, put it into an appropriate plastic bag and properly pack it as far as practicable. Then, the animal carcass will be transported to the recognized land fill for disposal. Contractors have to submit work reports to the FEHD on monthly basis to provide detailed information of the type of quantity of animal carcass collected during each collection operation from various Collection Points and other places. The method of collection and disposal of animal carcass has been specified in the agreement signed between the FEHD and the contractors.
- (10) Over the past three years, both the AFCD and the FEHD have no record on claiming of animal carcass of wild animals.

Recovering Beverage Cartons for Recycling

14. **MR JAMES TO** (in Chinese): *President, it has been reported that at present, there are manufacturers in Japan, South Korea, Taiwan and the Mainland who recover beverage cartons (cartons) for recycling. The manufacturers concerned separate and recover pulped fibres (which constitute around 75% of the component materials of cartons), plastics and aluminum by*

shredding the cartons. While pulped fibres can be used for manufacturing recycled paper and other paper products or for generating electricity by combustion, plastics and aluminum can be used as secondary industrial raw materials. Nevertheless, as the cartons are categorized as non-recyclable materials under the Programme on Source Separation of Waste of the Environmental Protection Department (EPD), huge quantities of the cartons are disposed of at landfills each day. In this connection, will the Government inform this Council:

- (1) whether it has compiled statistics on the respective quantities of the cartons that were manufactured locally and imported in each of the past three years; if it has, of such quantities;*
- (2) whether it knows the current number of local manufacturers who recover the cartons for recycling and the quantity of cartons recovered each year;*
- (3) of the justifications and criteria of the EPD for categorizing the cartons as non-recyclable materials; and*
- (4) whether it has studied the possibility of launching a programme on recovering cartons for recycling in Hong Kong; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (1) According to our understanding, there is no facility in Hong Kong for the manufacturing of cartons. All relevant packaging materials are imported from overseas. From 2010 to 2012, the annual disposal of cartons at the landfills each year was about 22 000 tonnes, 28 000 tonnes and 37 000 tonnes respectively. Most of such the cartons were beverage cartons. As there is no facility in Hong Kong for the manufacturing or recycling of cartons, the disposal figures mentioned above should be similar to the total quantities of cartons imported from overseas.

(2) and (3)

According to our understanding, at present, there is no facility in Hong Kong for the recycling of cartons. Neither are there recyclers to collect the materials concerned in the local market. In the absence of a circular economy, beverage cartons cannot be properly recycled in Hong Kong.

(4) We support the development of the recycling industry through various measures, such as the implementation of the Source Separation of Waste Programme, the identification of suitable sites for leasing to the recycling industry under short-term tenancy through bidding, the development of the EcoPark to provide long-term land for recycling use, the operation of the Innovation and Technology Fund, the Environment and Conservation Fund and various funds for small and medium enterprises to encourage and facilitate recyclers to develop recycling technologies. In addition, the Chief Secretary for Administration set up the Steering Committee to Promote the Sustainable Development of the Recycling Industry in August 2013 to support the development of the local recovery and recycling industries. We have been monitoring the industries' intention to introduce recycling technologies for beverage cartons and will assess the feasibility of implementing a beverage carton recycling programme in Hong Kong in the light of the latest situation.

Slip Resistance of Tactile Tiles of Tactile Guide Paths

15. **MR LEUNG CHE-CHEUNG** (in Chinese): *President, in order to create a universally accessible environment, the Government has installed tactile guide paths (guide paths), formed by specially made tactile tiles, on footpaths and in other public transport facilities, to lead persons with visual impairment to the public facilities concerned. Some members of the public have relayed to me that they once slipped and fell on the guide paths in the rain, and were thus badly bruised and taken to the hospital for treatment. It has been noted that there have been reports of similar accidents from time to time in the past few years.*

According to my observation, the slip resistance of the surfaces of the tactile tiles is good when the tiles are dry but bad when wet. In this connection, will the Government inform this Council:

- (1) of the number of reports received by the authorities in the past three years about members of the public slipping and falling on the guide paths, and the number of persons injured as a result; the authorities' general handling procedure upon receipt of such reports;*
- (2) of the standards on slip resistance to which the surfaces of the tactile tiles should conform, and the details of such standards;*
- (3) of the materials of which the existing two types of tactile tiles, one in silver and the other in yellow, were made; the coefficients of friction between such materials in contact with water and different types of shoes; whether the authorities have tested the slip resistance of the tactile tiles under wet conditions; and*
- (4) whether it will consider re-designing the guide paths, or switch to use tactile tiles made of materials with better slip resistance, so as to reduce the occurrence of accidents of members of the public slipping and falling; if it will, of the details?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government strives to provide barrier-free access with continuous improvement with a view to enabling persons with disabilities (including the visually impaired) to access their destinations in a barrier-free manner. Government-owned footways and public transport facilities are mainly managed and maintained by the Transport Department (TD) and the Highways Department (HyD) respectively. The TD plans and designs guide paths at appropriate locations to meet the needs of the visually impaired, while the HyD constructs and maintains the relevant facilities.

Given that public footways and the relevant public transport facilities are usually exposed in the open air, the HyD has taken into account the wet outdoor environment when setting the requirements of materials of tactile tiles. After

paving the guide paths, the HyD conducts regular inspection and arranges timely repairs to ensure that the tactile tiles are maintained in good condition.

Our reply to the four parts of Mr LEUNG Che-cheung's question is as follows:

- (1) Over the past three years, the HyD received a total of about 10 cases involving slip resistance of tactile tiles. Of these, one person indicated that he slipped on a wet floor due to a rainy day, but did not indicate any injury thus caused.

Upon receipt of a report of the problems about tactile tiles (including slip cases) from the public, the HyD will conduct site inspection and, if necessary, will temporarily fence off the affected area and arrange repairs. A reply will be provided within seven working days for the follow-up actions that have been made.

- (2) The materials of the tactile tiles laid by the HyD have to undergo slip resistance tests conducted in a wet environment in accordance with ASTM C1028, an internationally recognized standard established by the American Society for Testing and Materials. As regards slip resistance, the materials have to conform to the requirements on the coefficient of friction (CoF) from AS/NZS 4586 and 3661, internationally recognized standards established by the Standards Australia and Standards New Zealand. The above standards are commonly adopted internationally.

- (3) and (4)

While the tactile tiles laid by the HyD are mostly in yellow, silver ones are largely laid by other organizations on access inside their buildings. The tactile tiles used by the HyD are mainly made of concrete, clay, ceramic or artificial granite, similar to the core materials used in making pavement blocks. As regards slip resistance, upon the HyD's request, contractors are required to conduct slip resistance tests in a wet environment for tactile tiles in accordance with ASTM C1028 as mentioned in part (2) above, and submit a test certificate to show that the tactile tiles conform to the

CoF requirements from AS/NZS 4586 and 3661 as mentioned in part (2) above, to give assurance about the slip resistance concerned. The HyD will continue to keep abreast of the latest development of tactile tiles around the world with a view to making continuous improvement.

Implementation of Greening Master Plans

16. **MR TONY TSE** (in Chinese): *President, in order to improve the living environment, the Government has developed Greening Master Plans (GMPs) for all urban areas in the territory and completed the related greening works, and it has been gradually developing GMPs for the New Territories since May 2011. In January this year, the Government completed the development of GMPs for the Southeast and Northwest New Territories, and sought a funding allocation of \$350 million from this Council for priority greening works in such areas. In this connection, will the Government inform this Council:*

- (1) *which professional grades and government departments are involved in the Government's greening work (including work completed, in progress and pending) and the subsequent maintenance work for the plants, and of the number of posts involved, with a breakdown by district; the respective numbers of civil service posts, non-civil service contract posts and other posts (for example, those created by outsourced contractors) among the professional grade posts; the number of civil servants responsible for the aforesaid work in each of the past three years, with a breakdown by department, grade and rank;*
- (2) *whether it has assessed if there is sufficient manpower to implement the GMPs across the territory at present; if it has not, of the reasons for that and whether it will conduct such an assessment; if it has, the results and whether it will increase the manpower; if it will, of the expected number of posts to be created in the next three years and the relevant timetable; if not, the reasons for that;*
- (3) *given that plant maintenance work is undertaken separately by a number of government departments at present, whether the*

Government will designate a department or set up a task force to centralize the handling of the maintenance work for the plants planted under the GMPs across the territory; if it will, of the details (including the manpower involved and the implementation timetable); if not, the reasons for that; and

- (4) *of the Government's follow-up work, as well as whether it will extend the project, upon completion of the development of GMPs for urban areas and the New Territories and the progressive commencement of the related greening works; if it will, of the details; if not, the reasons for that?*

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

- (1) Currently, the Civil Engineering and Development Department (CEDD) has a team of 12 staff (including two non-civil service contract staff) from the grades of Engineer and Landscape Architect tasked to oversee the implementation of GMPs. The recurrent costs for both maintenance and establishment works for greening works under GMPs are included in the funding applications for respective GMPs of various districts in the urban areas and the New Territories and allocated to the relevant departments. As the greening measures of GMPs mostly involve greening of pavements or roadside verges, the greening maintenance works are mostly undertaken by the Leisure and Cultural Services Department (LCSD). In this connection, the LCSD has deployed the staff originally responsible for greening maintenance works and the additional manpower deemed necessary after assessment to manage the additional works. Take the urban GMPs as an example. Ten civil service posts in the Amenities Assistant grade were created in the LCSD to support the original staff in the proper maintenance of greening works implemented under the GMPs. Except for Kwun Tong which was assigned two new staff, the following districts were allocated one new staff each, namely Central and Western, Wan Chai, Eastern, Southern, Yau Tsim Mong, Kowloon City, Wong Tai Sin and Sham Shui Po. Over the past three years, both the CEDD

and the LCSD had contracted out greening maintenance works. The professional posts created and number of staff engaged by the contractors specifically for these works are shown below.

	<i>Engineer</i>	<i>Arborist</i>
Contractor of the CEDD (As of end at June 2013)	1	2
Contractor of the LCSD (Starting from July 2013)	0	2

Note:

The staff in the above table are responsible for the maintenance of greening measures implemented under GMPs as well as other greening measures of the respective districts.

- (2) The CEDD is responsible for implementing the greening measures of GMPs in the urban areas and the New Territories. It regularly reviews the manpower resources required at different implementation stages to ensure that there is sufficient manpower to take forward the greening works under GMPs. At present, 12 staff (including two non-civil service contract staff) from the Engineer and Landscape Architect grades are deployed to oversee the implementation of the GMPs. The CEDD has also commissioned consultancy professional and technical services and recruited site staff through the consultants to supervise the greening works. As for the manpower required for greening maintenance works under the GMPs in urban areas, please refer to paragraph (1) of the reply above. The actual number of new posts to be created for greening maintenance works under the GMPs in the New Territories will be determined by the LCSD in the light of future assessment.
- (3) As mentioned above, the LCSD is mainly responsible for the maintenance of greening works implemented under GMPs as its staff have the requisite professional knowledge and experience in plant maintenance. Therefore, we do not consider it necessary to set up another dedicated task force to oversee all maintenance of the greening works across the territory.

- (4) After formulating the GMPs, the CEDD will disseminate their details, including greening themes and corresponding plant palettes, to the relevant departments through the Greening Master Plan Committee. The Development Bureau stipulates in relevant works handbook, such as the Project Administration Handbook for Civil Engineering Works, that requires the departments to refer to the greening themes and plant palettes of the relevant district GMPs in planning and designing greening initiatives for public works. It also issued some technical guidelines in 2012 to require the departments responsible for planning and designing new roads to allocate sufficient space for greening at central median and roadside verges, where practicable, to ensure provision of adequate planting space is not affected by underground utilities. We believe the above measures can ensure effective and sustainable implementation of greening plans under GMPs.

Apprenticeship Schemes

17. **MR KWOK WAI-KEUNG** (in Chinese): *President, regarding the apprenticeship schemes implemented under the Apprenticeship Ordinance (Cap. 47) (the Ordinance), will the Government inform this Council whether it knows, in each of the past five financial years:*

- (1) *the respective numbers of apprentices registered under the 45 designated trades in accordance with the Ordinance, and set out by year and trade in a table of the same format as Table 1 (i) the periods of apprenticeship for the trades, (ii) the median wages of apprentices during the first year of their apprenticeships, (iii) the median wages of apprentices during the last year of their apprenticeships, and (iv) the current median market wages in the relevant trades; and*

Table 1 Year: _____

<i>Designated trade</i>	<i>Number of apprentices registered</i>	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>	<i>(iv)</i>

- (2) *the respective numbers of apprentices registered under non-designated trades in accordance with the Ordinance, and set out by year and trade in a table of the same format as Table 2 (i) brief job descriptions of the trades, (ii) the periods of apprenticeship for the trades, (iii) the median wages of apprentices during the first year of their apprenticeships; (iv) the median wages of apprentices during the last year of their apprenticeships, and (v) the current median market wages in the relevant trades?*

Table 2 Year: _____

<i>Non-designated trade</i>	<i>Number of apprentices registered</i>	<i>(i)</i>	<i>(ii)</i>	<i>(iii)</i>	<i>(iv)</i>	<i>(v)</i>

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to Mr KWOK Wai-keung's question is set out as below:

The number of apprentices, registered in accordance with the Ordinance between 2010 and 2014 (as of 31 March each year), in the designated trades specified under the Ordinance and the period of apprenticeship for these trades are set out at Annex 1; while the number of registered apprentices in non-designated trades and the period of apprenticeship for these trades are set out at Annex 2. The brief job descriptions of the non-designated trades in which there were registered apprentices as at 31 March 2014 are set out at Annex 3.

The apprenticeship contracts have recorded the initial salaries of apprentices. However, given the large number of individual records which are stored in paper form only, the Office of the Director of Apprenticeship under the Vocational Training Council cannot provide within a short period of time the information on the median salaries of apprentices at the beginning of the apprenticeship. While subsequent changes to salaries have been recorded during visits to the apprentices, given the large number of records involved, the Office of the Director of Apprenticeship cannot provide within a short period of time the information on the median salaries of the apprentices at the last year of apprenticeship. The Office of the Director of Apprenticeship does not have information on the market median salaries of the relevant industries.

Annex 1

Number of Apprentices in Designated Trades specified under the Ordinance in the past five years and the Period of Apprenticeship of those Trades

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		2010	2011	2012	2013	2014
Audio-Visual and Radio-Frequency Mechanic	3	12	8	7	-	-
Bookbinder	3	4	5	3	-	1
Bricklayer/Plasterer/Tiler	3	1	1	1	-	-
Building Services Mechanic	4	80	84	105	99	147
Cable Jointer (Power)	4	18	15	12	17	20
Carpenter/Joiner	3	1	2	2	-	2
Construction Plant Mechanic	4	42	65	79	91	91
Electrical Appliances Service Mechanic	4	3	5	6	6	7
Electrical Fitter	4	54	34	33	36	45
Electrician	4	398	380	422	453	501
Fitter	4	79	48	27	3	-
Gas Utilization Fitter	3	25	34	23	26	42
Goldsmith (K-gold)	4	15	-	5	3	3
Goldsmith (Fine gold)	3	-	8	-	-	-
Lift Electrician	4	118	132	132	136	189
Lift Mechanic	4	20	14	8	7	6
Machinist	4	15	17	11	6	4
Overhead Linesman	4	15	15	19	16	20
Painter/Decorator/ (Furniture)	3	4	7	10	2	-
Painter/Decorator/ Sign Writer	3	-	-	-	1	-
Plumber	3	13	9	12	15	16
Precious Stone Setter	3	3	-	4	3	3
Printing Machine Operator (Letterpress)	3	2	3	2	2	1

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		2010	2011	2012	2013	2014
Printing Machine Operator (Offset Litho)	3	9	8	4	1	-
Refrigeration/ Air-conditioning Mechanic	4	374	353	285	310	336
Textile Mechanic	3	1	-	-	-	1
Vehicle Body Repairer/Builder	4	56	52	45	35	45
Vehicle Electrician	4	85	76	67	71	83
Vehicle Mechanic	4	254	297	296	276	305
Vehicle Painter	3	12	1	18	20	16
Total:		1 713	1 673	1 638	1 635	1 884

Note:

- @ Since apprentices can register their contracts of apprenticeship or complete their apprenticeship training anytime in a year, the figures listed in the table are those as of 31 March each year.

Annex 2

Number of Apprentices in Non-Designated Trades in the past five years
and the Period of Apprenticeship of those Trades

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		2010	2011	2012	2013	2014
Air-conditioning Technician	4	22	26	44	38	31
Aircraft Maintenance Mechanic	4	-	-	-	-	83
Aircraft Painting Mechanic	3	-	-	-	1	4
Assistant Electrician	3	4	4	-	-	-
Assistant Jewellery Designer	3	4	6	2	1	-
Assistant Jewellery Product Designer	3	-	-	-	-	1

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Assistant Safety Officer	2	-	-	-	-	3
Building Partition and Ceiling Products Installer	2	1	1	1	-	1
Building Services Assistant	4	-	-	-	1	2
Building Services Craftsman	2	4	4	-	-	-
Building Services Technician	4	128	148	194	194	211
Construction Assistant	4	-	6	1	2	5
Construction Purchasing Technician	4	-	-	-	1	-
Construction Site Administration Assistant	2	-	-	1	1	-
Construction Technician	4	282	364	465	628	732
Construction Works Carpenter	2	1	-	-	-	-
Construction Works Joiner	2	1	1	1	-	2
Construction Works Painter	2	1	-	-	-	-
Cook (Western Style)	3	1	1	1	-	-
Cost Estimator Assistant (Printing)	2	6	2	-	-	-
Craft Apprentice (Air-conditioning)	3	9	18	23	15	25
Craft Apprentice (Electrical)	3	25	32	52	60	94
Craft Apprentice (Mechanical)	3	43	52	62	52	82
Craft Apprentice (Vehicle)	3	9	9	6	5	7
Customer Services Assistant (Printing)	3	-	2	1	-	-
Decoration Carpenter	3	-	2	-	-	-
Designer (Printing)	2	5	3	5	5	-

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Designer Assistant (Printing)	2	8	5	2	-	-
Desktop Publishing (DTP) System Operator	3	24	24	10	5	3
Diesel Injection Equipment Mechanic	3	1	-	-	-	-
Digital Printing Machine Operator	2	1	4	1	-	-
Domestic Gas Fitter Classes 1 and 4	2	17	17	16	14	-
Draughtsman	4	-	-	-	1	-
Electrical Appliances Service Technician	4	2	1	-	-	-
Electrical Engineering Technician	4	113	119	131	119	130
Electronics Craftsman	3	11	9	6	9	7
Electronics Technician	4	42	52	64	54	49
Engineering Assistant	3	15	9	4	3	2
Engineering Assistant (Air-Conditioning)	3	-	-	-	1	2
Engineering Assistant (Plastic Production)	3	2	2	2	-	4
Engineering Assistant (Building Services)	4	51	43	26	16	9
Engineering Assistant (Construction Plant)	4	-	1	1	-	-
Engineering Assistant (Electrical)	4	26	24	14	9	6
Engineering Assistant (Mechanical)	4	2	-	-	-	-
Engineering Assistant (Pipe Rehabilitation)	2	1	-	-	-	-
Engineering Assistant (Underground Utilities Detection)	2	4	1	1	-	-

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Fire Services Mechanic	4	34	25	17	27	23
Fire Services Technician	4	-	2	1	-	-
Fire-rated Plasterer/Painter	2	-	1	-	-	-
Flooring Products Installer and Repairer	2	-	1	1	-	-
Gas Network Fitter	2	-	-	10	19	20
Gold Pattern Maker/Engraver	3	-	-	1	-	-
Graphic Designer	3	-	9	4	4	6
Graphic Designer Assistant (Printing)	3	-	4	6	9	3
Industrial Vehicle Mechanic	4	2	2	1	1	-
Installer and Repairer of Auxiliary Equipment for the Blind	2	-	-	1	1	-
Jewellery Mould Maker and Caster	3	-	-	-	-	1
Jewellery Order Processor	3	11	3	4	-	-
Jewellery Plater/Polisher	2	-	-	-	2	-
Jewellery Polisher	3	-	-	2	2	2
Junior Construction Assistant	4	-	1	-	1	1
Junior Construction Technician	2	2	-	1	-	-
Junior Quantity Surveying Technician	2	2	1	-	-	-
Kitchen Cabinet Installer and Repairer	2	-	1	1	-	-
Lens Fitter	2	1	1	-	-	-
Leveller	3	1	-	1	-	-
Lift Technician	4	-	2	2	7	10
Machine Setter	4	2	1	1	-	-
Machine (CNC)	4	-	1	-	-	-

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Maintenance Mechanic	4	2	2	2	1	-
Marble Worker	3	-	-	-	1	1
Marine Safety Equipment Mechanic	4	1	1	-	-	-
Marketing Assistant (Printing)	3	5	3	1	-	-
Mechanical Engineering Technician	4	22	29	41	38	44
Mechanical Fitter	4	-	35	52	77	86
Metal Worker	3	11	6	6	16	9
Office Equipment Service Mechanic	3	4	-	-	-	-
Permanent Way Mechanic	3	13	14	17	20	34
Motorcycle Mechanic	3	-	1	-	-	-
Pipe Fitter	4	4	5	1	-	-
Prepress Co-ordinator (Printing)	2	11	10	4	1	-
Production Assistant (Watch)	4	2	1	1	1	1
Production Controller Assistant (Printing)	3	3	19	20	14	7
Production Engineering Assistant	3	2	1	-	-	-
Production Planner (Printing)	3	3	8	10	8	12
Production Planner Assistant (Printing)	2	30	13	5	-	-
Quality Controller Assistant (Print Finishing)	2	1	-	-	-	-
Quality Controller Assistant (Electrical Product)	4	-	1	1	1	-

		<i>Number of Apprentices[@]</i>					
		<i>Period of Apprenticeship</i>	2010	2011	2012	2013	2014
Quantity	Surveying	4	1	-	-	-	1
Assistant							
Quality	Controller	2	8	3	-	-	-
Assistant (Printing)							
Quantity	Surveying	4	78	95	128	139	145
Technician							
Refrigeration/Air-conditi		4	3	12	26	21	23
oning Technician							
Sales	Executives	3	2	2	1	-	-
Assistant (Printing)							
Senior	Designer	2	3	-	-	-	-
Assistant (Printing)							
Senior Machine Operator		2	2	-	-	-	-
(Offset Litho)							
Senior	Production	3	1	-	-	-	-
Planner	Assistant						
(Printing)							
Screen Process Printer		3	-	-	-	1	-
Sheet Metal Fabricator		4	2	-	-	-	-
Steel Fabricator		4	20	12	3	2	6
Surveying Technician		4	-	-	2	1	-
Site Co-ordinator		2	1	-	-	-	-
System	Operator	2	1	3	3	1	1
Computer To Plate							
Technical Assistant		4	1	-	-	-	-
Technical Assistant		4	1	1	1	1	-
(Air Conditioning)							
Technical	Assistant	3	-	1	-	-	-
(Electrical	Appliances						
Service)							
Technical	Assistant	4	33	16	5	1	4
(Electronics)							
Technical	Assistant	4	3	6	5	4	3
(Electrical)							

	<i>Period of Apprenticeship</i>	<i>Number of Apprentices[@]</i>				
		<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Technical Assistant (Security Systems)	4	-	2	2	1	1
Technician Apprentice (Air Conditioning)	4	7	8	15	12	8
Technician Apprentice (Electronics)	4	8	10	18	13	6
Technician Apprentice (Electrical)	4	25	39	42	53	39
Technician Apprentice (Information Technology)	3	4	4	-	-	-
Technician Apprentice (Mechanical)	3	26	21	18	17	20
Technician Apprentice (Vehicle)	3	20	11	5	3	1
Technician Trainee I (Air Conditioning)	3	-	-	-	12	18
Technician Trainee I (Electronics)	3	-	-	-	17	25
Technician Trainee I (Vehicle)	3	-	-	-	3	5
Technician Trainee II (Air Conditioning)	3	-	-	-	16	20
Technician Trainee II (Electronics)	3	-	-	-	-	13
Technician Trainee II (Vehicle)	3	-	-	-	1	2
Vehicle Technician	4	40	34	36	37	33
Ventilation System Mechanic	4	-	-	-	-	2
Welder	4	3	3	10	7	6
Total:		1 328	1 479	1 672	1 849	2 137

Note:

@ Since apprentices can register their contracts of apprenticeship or complete their apprenticeship training anytime in a year, the figures listed in the table are those as of 31 March each year.

Annex 3

Brief Job Description of the Non-designated Trades
in which there were apprentices as at 31 March 2014

<i>Non-designated Trades</i>	<i>Brief Job Descriptions</i>
Air-conditioning Technician	To install, maintain, repair and prepare drawings for air-conditioning systems and equipment
Aircraft Maintenance Mechanic	To maintain and repair aircraft systems
Aircraft Painting Mechanic	To prepare body fillers, primers and mix paint, and apply paint to the aircraft surface
Assistant Jewellery Production Designer	To assist in the design and production of jewellery
Assistant Safety Officer	To assist safety officers to inspect, assess and regulate work safety at construction sites
Building Partition and Ceiling Products Installer	To install partitions and ceiling products
Building Services Assistant	To install, maintain and repair building services systems and equipment
Building Services Technician	To install, maintain, repair and prepare drawings for building services systems and equipment
Construction Assistant	To interpret construction drawings and specifications, check the quantities of materials, carry out site measurement, and ensure proper documents control
Construction Technician	To interpret drawings and specifications, prepare and arrange site works, check materials submissions, co-ordinate with other parties on site, maintain site records and prepare reports, and check the budgets of temporary works
Construction Works Joiner	To make and fix all kinds of wooden fitments such as cupboards, wardrobes, tables, drawers and kitchen units in buildings
Craft Apprentice (Air-conditioning)	To install, maintain and repair air-conditioning systems and equipment
Craft Apprentice (Electrical)	To install, maintain, test, identify and repair faults in electrical installations and control circuits

<i>Non-designated Trades</i>	<i>Brief Job Descriptions</i>
Craft Apprentice (Mechanical)	To repair and overhaul mechanical facilities such as pumps, valves, hydraulic and pneumatic systems
Craft Apprentice (Vehicle)	To install, maintain and repair mechanical and electrical parts of vehicle
Desktop Publishing (DTP) System Operator	To operate desktop publishing systems and prepare digital print-ready files
Electrical Engineering Technician	To install, test, maintain and repair building electrical circuits and control
Electronics Craftsman	To assist technician in installation, maintenance and repair of electronic devices
Electronics Technician	To assist engineers in installation, maintenance and repair of electronic devices as well as in project co-ordination, simple electronics designs and modifications
Engineering Assistant	To identify and select materials for plastic moulding and design products
Engineering Assistant (Air-Conditioning)	To install, maintain, repair and prepare drawings for air-conditioning systems and equipment
Engineering Assistant (Plastic Production)	To set up, maintain and adjust plastic injection moulding machines, identify and rectify defective plastic products and conduct quality control of plastic products
Engineering Assistant (Building Services)	To install, maintain, repair and prepare drawings for building services system and equipment
Engineering Assistant (Electrical)	To install, test, maintain and repair electrical circuits and electrical power
Fire Services Mechanic	To install, maintain and repair fire service systems and equipment
Gas Network Fitter	To install, maintain and repair outdoor gas pipelines and related gas equipment
Graphic Designer	To prepare mock-up for design and prepare digital artwork for printing
Graphic Designer Assistant (Printing)	To assist in preparing mock-up for design and prepare visual image for digital artwork production
Jewellery Mould Maker and Caster	To make, repair and reshape moulds for jewellery

<i>Non-designated Trades</i>	<i>Brief Job Descriptions</i>
Jewellery Polisher	To interpret jewellery design and production drawings, and make, repair and reshape plain K-gold jewellery
Junior Construction Assistant	To interpret construction drawings and specifications, check quantities of materials, carry out site measurement, and ensure proper documents control
Lift Technician	To install, maintain and repair lifts and escalators
Marble Worker	To install marbles, tiles and terrazzo in residential and commercial buildings
Mechanical Engineering Technician	To maintain, repair and overhaul electrical and mechanical plant equipment
Mechanical Fitter	To repair and overhaul mechanical facilities of production plants, shipbuilding and railway engineering
Metal Worker	To fabricate, install, maintain and test steel structures, operate gantry crane for handling metal bars and perform different types of welding
Permanent Way Mechanic	To maintain plain line tracks, turnouts, crossings, buffer stops and tracks bonds, perform welding practices, install electrical equipment, and fabricate and test electrical and electronic control equipment
Production Assistant (Watch)	To calibrate and assemble watches
Production Controller Assistant (Printing)	To schedule and monitor printing processes
Production Planner (Printing)	To plan and monitor printing processes for production team and for clients
Quantity Surveying Assistant	To prepare monthly financial reports and final accounts, check material quantities, update project costs and assess accuracy of work
Quantity Surveying Technician	To prepare interim payment orders and final accounts, conduct quality control and prepare quotations and material purchase orders
Refrigeration/Air-conditioning Technician	To install, maintain and repair and prepare drawings for air-conditioning systems and equipment
Steel Fabricator	To fabricate and maintain steel structures and welding facilities

<i>Non-designated Trades</i>	<i>Brief Job Descriptions</i>
System Operator Computer To Plate	To produce and check test print for customers, carry out computer to plate workflow production and quality control
Technical Assistant (Electronics)	To assist technicians in installing, maintaining and repairing electronic devices and assist engineers in handling project, simple electronics designs and modifications
Technical Assistant (Electrical)	To assist in installing, testing, maintaining and repairing electrical circuits and system
Technical Assistant (Security Systems)	To assist technicians in installing, maintaining and repairing security systems and assist engineers in handling projects, simple electronics designs and modifications
Technician Apprentice (Air Conditioning)	To install, maintain, and repair air-conditioning systems and equipment and diagnose faults
Technician Apprentice (Electronics)	To assist engineers in installing, maintaining and repairing electronic devices and in handling project, simple electronics designs and modifications
Technician Apprentice (Electrical)	To install, test and maintain electrical installations and control circuits, and locate and repair faults
Technician Apprentice (Mechanical)	To repair and overhaul mechanical facilities of production plants, shipbuilding and railway engineering
Technician Apprentice (Vehicle)	To install, maintain and repair mechanical and electrical parts of vehicle
Technician Trainee I (Air Conditioning)	To assist engineers in installing, maintaining and repairing air-conditioning systems and equipment and diagnosing faults
Technician Trainee I (Electronics)	To assist engineers in the installation, maintenance and repair of electronic devices and in handling project, simple electronics designs and modifications
Technician Trainee I (Vehicle)	To assist engineers in installing, maintaining and repairing mechanical and electrical parts of vehicle and diagnosing faults
Technician Trainee II (Air Conditioning)	To install, maintain and repair air-conditioning systems and equipment
Technician Trainee II (Electronics)	To install, maintain and repair electronic devices

<i>Non-designated Trades</i>	<i>Brief Job Descriptions</i>
Technician Trainee II (Vehicle)	To install, maintain and repair mechanical and electrical parts of vehicle
Vehicle Technician	To install, maintain and repair mechanical and electrical parts of vehicle and prepare warranty claims and provide technical support for customers
Ventilation System Mechanic	To fabricate, assemble, install and repair air-ducts and sheet metal assemblies and products as well as to install, maintain and repair window/split type air-conditioners
Welder	To fabricate and maintain steel structures using welding facilities

Industrial Development of Hong Kong

18. **DR CHIANG LAI-WAN** (in Chinese): *President, some industrialists have relayed to me that with the northern migration of quite a number of factories one after another during the eighties of the last century, industries in Hong Kong have been unable to revive in the past 20-odd years. However, it has been reported that as the production costs on the Mainland have increased continuously in recent years, some manufacturers have planned to relocate their production bases back to Hong Kong. On the other hand, a group of local industrialists from the new generation are actively revitalizing Hong Kong industries at present. Regarding the industrial development of Hong Kong, will the Government inform this Council:*

- (1) *whether it has compiled statistics in the past 10 years about the number of manufacturers who relocated their production bases back to Hong Kong and the number of factories newly set up by them in the territory; if it has, of a tabulated breakdown of such numbers by type of products; if not, the reasons for that;*
- (2) *whether the Government put in place specific policies in the past 10 years to assist manufacturers in their business development in Hong Kong; if it did, of the details; if not, the reasons for that;*

- (3) *whether it has put in place policies and measures to assist the local industrialists from the new generation in their business development in Hong Kong; if it has, of the details; if not, the reasons for that;*
- (4) *whether it has conducted any study on upgrading the existing industrial buildings so as to provide more factory premises that are suitable for modernized industries; if it has, of the details; if not, the reasons for that;*
- (5) *given that subsequent to the decline of local industries, most industrial talents have changed their occupations, migrated northward or retired, giving rise to a succession problem of such talents, whether the Government has new policies and measures for training up more industrial talents; if it does, of the details; if not, the reasons for that;*
- (6) *whether it has examined the implementation of new measures to further promote industrial development in Hong Kong, such as offering preferential measures to attract manufacturers to relocate their factories back to Hong Kong; if it has examined, of the details; if not, the reasons for that; and*
- (7) *as the Government advocates the diversification of industries (including the innovation and technology industries), whether the Government has plans to draw up new policies and measures to assist in training up local workers gearing to the development of high-end technology industries; if it does, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, it has been the Government's policy to provide an environment conducive to conducting businesses and render suitable support to various trade sectors, so as to facilitate them to play to their strengths and attract enterprises (including local and foreign enterprises or Hong Kong enterprises returning from overseas or the Mainland to Hong Kong for development) to explore business opportunities in Hong Kong. The Government attaches great importance to promoting the economic development of Hong Kong. One of the main foci is to diversify the industries, that is, to diversify the products and

services of our existing industries and to identify new areas for development, so as to meet the needs of the Hong Kong people for start-up initiatives, investment, business operation and employment. The introductory part of the question states that some Hong Kong manufacturers have planned to relocate their production bases back to Hong Kong, and some industrialists also intend to revitalize the development of Hong Kong industries. The Government is open to all proposals which can effectively facilitate the economic development of Hong Kong, and will actively listen to the views of the trade and the public on different specific proposals.

The Government has not compiled statistics on the number of manufacturers who have relocated their production bases back to Hong Kong and the number of factories newly set up by them in the territory. Parts (2), (3) and (6) of the question are mainly related to the policies and measures of the Government to support the development of the traditional industries. The various existing support measures implemented by the Government and public bodies, such as the Dedicated Fund on Branding, Upgrading and Domestic Sales, the Small and Medium Enterprise (SME) Loan Guarantee Scheme, the SME Export Marketing Fund, the SME Development Fund, the special concessionary measures under the SME Financing Guarantee Scheme, and the Small Business Policy scheme implemented through the Hong Kong Export Credit Insurance Corporation, provide support to various trade sectors (including the traditional industries) in respect of financing and enhancing their overall competitiveness, so as to assist enterprises in developing their business. In addition, the Support and Consultation Centre for SMEs of the Trade and Industry Department (TID) provides free information and consultation services specifically for SMEs (including new business start-ups of the traditional industries) such as information on applications for Government licences and permits, guidelines on drafting business plans and budget analyses, which help SMEs broaden their business knowledge and enhance their entrepreneurial skills.

With regard to suggestions of encouraging the return of the traditional industries, we consider that given the limited land and manpower resources in Hong Kong, land-intensive or low value-added while labour-intensive industries may not be conducive to the creation of high quality employment opportunities and the long-term economic development of Hong Kong. In fact, it is not possible to diversify industries solely by encouraging the return of the traditional industries. We believe Hong Kong should progress towards a knowledge-based economy, and the traditional industries should deploy resources to areas or

processes with high value-added or high technology as well as competitive edges or development potential, including product development and design, brand promotion and management, and research and development.

For promoting product development, design and research and development, the Government is committed to, through the provision of software and hardware support, enhancing the co-operation among the Government, industry, academia and research sectors, and promoting local innovation and technological development. For example, the Hong Kong Science and Technology Parks Corporation provides technology infrastructure for technology-based enterprises; and the Innovation and Technology Fund finances projects which are conducive to industrial innovation and technology enhancement. Moreover, to promote and encourage the development of "Hong Kong brands", the TID and the Hong Kong Trade Development Council (HKTDC) have been jointly organizing annual large-scale conferences on brand development since 2009 to help enterprises understand the strategies of exploring the domestic market and to deepen SMEs' awareness and knowledge about brand development. In addition, the HKTDC has been actively promoting "Hong Kong brands" in both the Mainland and emerging markets, and is committed to establishing the network of Hong Kong Design Galleries in the Mainland to provide a platform for Hong Kong enterprises to showcase their products and enhance the popularity of "Hong Kong brands" in the Mainland.

As regards the study on policies and measures to provide further support to industries, the Economic Development Commission (EDC) led personally by the Chief Executive is providing visionary direction and advice to the Government on the overall strategy and policy to broaden Hong Kong's economic base and to enhance Hong Kong's economic growth and development. The EDC is also exploring and identifying growth sectors or clusters of sectors which present opportunities for Hong Kong's further economic growth, with a view to recommending possible policy and other support measures for these industries. The EDC and its Working Group on Manufacturing Industries, Innovative Technology, and Cultural and Creative Industries (MICWG) are focusing on exploring ways to enhance the infrastructural support to the industries; assist the industries to tap into the Mainland market; enhance talent nurturing and attract talents; and encourage collaboration between various sectors and the innovative technology and the cultural and creative industries. The MICWG has made initial specific recommendations to the EDC on a number of areas, including (i) providing opportunities for design talents to attend overseas internship;

(ii) improving the Innovation and Technology Fund; (iii) encouraging enterprises to employ research and development talents; and (iv) strengthening the incubation programmes administered by quasi-government or government-funded bodies (including the Hong Kong Science and Technology Parks Corporation, the Cyberport and the Hong Kong Design Centre). The recommendations have been endorsed by the EDC. We look forward to the EDC's submission of more specific recommendations for the Government's consideration and implementation as appropriate.

Part (4) of the question mentions the upgrading of the facilities of the existing industrial buildings to meet the needs of modernized industries. At present, there are six industrial buildings under the Hong Kong Housing Authority, most tenants of which engage in the operations of light industries, and the leasing rate is over 99%. For privately-owned industrial buildings, proposed modifications of the facilities concerned should be proceeded with by the owners and should comply with the relevant regulations and procedures.

Parts (5) and (7) of the question are mainly related to talents for promoting the development of industries. Regarding the manpower required for the development of industries, the Vocational Training Council (VTC), through its 13 member institutes, supplies manpower for different industries by providing some 250 000 places each year in a full range of pre-employment and in-service programmes with academic qualifications recognized under the Qualifications Framework. Separately, the Employees Retraining Board provides a diversified range of training programmes covering different industries to qualified employees aged 15 or above at sub-degree level or below to improve their employment opportunities, equip them with the necessary skills for switching jobs or enhance their skills in the respective industry. Regarding talents required by high-technology industries, in addition to the relevant regular courses offered by various tertiary institutions, the New Technology Training Scheme of the VTC provides financial assistance to local employers to encourage them to release their employees to learn new technologies which are conducive to their business development, including some technologies not being widely applied in Hong Kong but the absorption and application of which by the local industrial and commercial sectors will significantly benefit Hong Kong. The forms of support include subsidizing employees to participate in overseas training courses, work attachments or pre-approved local training courses, and providing tailor-made training courses to individual companies.

Educational Support for Ethnic Minority Students

19. **MR TANG KA-PIU** (in Chinese): *President, some people from the ethnic minorities have relayed to me that non-Chinese speaking (NCS) ethnic minority (EM) students in Hong Kong have encountered great difficulties in learning due to their differences from mainstream local students in terms of cultures, languages and educational needs, coupled with the inadequate educational support provided by the authorities for such students. In this connection, will the Government inform this Council:*

- (1) *of the respective numbers of EM students studying in secondary and primary schools and their percentages in the total numbers of students in the 2013-2014 school year, with a breakdown of such student numbers by District Council (DC) district and school type, that is, (i) mainstream public schools, (ii) Direct Subsidy Scheme (DSS) schools and (iii) special education schools (set out the relevant figures in Table 1);*

Table 1

<i>DC district</i>	<i>School type</i>	<i>Secondary/Primary schools</i>	<i>Number of EM students</i>
<i>Central and Western</i>	<i>(i)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(ii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(iii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
<i>Wanchai</i>	<i>(i)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(ii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(iii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
<i>...</i>			

- (2) *of the respective numbers of EM students studying in secondary and primary schools in which English is the main medium of instruction as well as their percentages in the total numbers of students in the 2013-2014 school year, with a breakdown of such student numbers*

by DC district and school type, that is, (i) mainstream public schools and (ii) DSS schools (set out the relevant figures in Table 2);

Table 2

<i>DC district</i>	<i>School type</i>	<i>Secondary/Primary schools</i>	<i>Number of EM students</i>
<i>Central and Western</i>	<i>(i)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(ii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
<i>Wanchai</i>	<i>(i)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
	<i>(ii)</i>	<i>Secondary schools</i>	
		<i>Primary schools</i>	
<i>...</i>			

- (3) of the number of students who have benefited from the educational support measures provided for EM students by the authorities in the 2013-2014 school year, with a breakdown by support measure;
- (4) of the respective numbers of EM students with special educational needs (SEN) and their percentages in the total numbers of students in the 2011-2012, 2012-2013 and 2013-2014 school years, with a breakdown of such student numbers by DC district, school type (that is, (i) mainstream schools and (ii) special education schools) and type of SEN (that is, physical disability, visual impairment, hearing impairment, speech and language impairment, specific learning difficulties, and other impairment) (set out the relevant figures in tables of the same format as Table 3);

Table 3

DC district: _____

<i>School year</i>	<i>Number of EM Students with SEN</i>					
	<i>2011-2012</i>		<i>2012-2013</i>		<i>2013-2014</i>	
<i>School type</i>	<i>(i)</i>	<i>(ii)</i>	<i>(i)</i>	<i>(ii)</i>	<i>(i)</i>	<i>(ii)</i>
<i>Physical disability</i>						
<i>Hearing impairment</i>						
<i>...</i>						
<i>Other impairment</i>						
<i>Total number of students</i>						

- (5) *of the names of the secondary and primary schools that currently provide special educational support services for EM students and which of such schools receive recurrent grants for provision of such services, grouped by DC district; the names of the organizations that currently provide special educational support services for EM students, grouped by DC district; the details and the current utilization situations of such services; whether the Government has any plan to provide tailor-made learning support for EM students with SEN; if it does, of the details; if not, the reasons for that; and*
- (6) *as it is learnt that the parents of some EM school girls hope that their daughters can study at girls' schools, or else they will send their daughters back to their home countries for schooling, whether the authorities have looked into this matter and offered assistance to such school girls?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (1) According to the information collected through the annual Student Enrolment Survey, in the 2013-2014 school year, there are 7 761 and 6 953 NCS EM primary students and secondary students studying in ordinary public sector and DSS schools, accounting for 2.8% and 1.9% of the total primary and secondary student population respectively in the schools concerned. The breakdown of NCS EM students by district and the afore-mentioned school type as well as by category of special school are at Annex 1 and Annex 2 respectively.
- (2) We are committed to encouraging and supporting NCS students' integration into the community, facilitating their early adaptation to the local education system and mastery of the Chinese language. For NCS students' exposure to and learning of Chinese, it is the earlier the better for their bridging over to mainstream Chinese Language classes. As regards the teaching medium, public sector

primary schools generally use Chinese. For junior secondary levels in public sector secondary schools, starting from the 2010-2011 school year, there is no longer bifurcation of schools into Chinese-medium and English-medium schools. To ensure students' learning effectiveness, the choice and number of subjects taught in English may vary between classes within individual schools as well as among schools under the prescribed criteria. On the other hand, schools may also choose to conduct extended learning activities in English⁽¹⁾ for students learning through Chinese. As for senior secondary levels, schools have due regard to students' needs, aspirations and capabilities to devise the teaching medium for various senior secondary subjects to facilitate students' articulation to multiple pathways. DSS schools may also design their curriculum as long as it is in line with the requirements of our local curriculum, including the teaching medium. Given the diversified afore-mentioned school-based arrangements and the fact that schools may use Chinese or English in teaching to meet with the different needs of their NCS students, we do not have the number of NCS EM students studying in secondary and primary schools using primarily English in teaching.

- (3) For the planning of education support measures, students whose spoken language at home is not Chinese are broadly categorized as NCS students. The education support measures provided by the Education Bureau in the 2013-2014 school year for NCS students and the number of beneficiaries are at Annex 3.
- (4) The number of NCS EM students with SEN studying in ordinary schools in the 2011-2012, 2012-2013 and 2013-2014 school years is at Annex 4. The number of NCS EM students with SEN studying in special schools is at Annex 2.

(1) Extended learning activities in English implemented at junior secondary levels in public sector secondary schools include, among others, the use of the English medium for not more than two non-language subjects.

- (5) All eligible children, irrespective of their ethnicity, physical or intellectual abilities, are entitled to equal opportunities to education. The Government's prevailing policy is to accommodate the needs of all eligible students, including NCS students with SEN, in the public school sector (including ordinary schools and special schools). Under the Disability Discrimination Ordinance, all schools have the responsibility to admit NCS students with SEN and provide them with appropriate support. We will help NCS students integrate into the local education system as early as possible and enhance their learning effectiveness through different support measures. Moreover, to support schools to cater for their students with SEN (including NCS students), on top of the regular subvention provided for ordinary schools, the Education Bureau has been providing public sector schools with additional resources, professional support and teacher training. In short, NCS students with SEN can benefit from the support measures pertaining to both NCS students and students with SEN.
- (6) The 2014 Policy Address has announced a comprehensive package of support measures to step up support for EMs, especially the younger generation and newcomers, to help them integrate into the community. On education, apart from having learning elements on "respect for others", "global understanding" and "gender role" embedded in the school curriculum, we will, starting from the 2014-2015 school year, increase the annual additional funding to schools admitting NCS students. One of the objectives of the enhanced funding is to facilitate schools to create an inclusive learning environment so as to foster an environment for accommodating ethnic diversity in school, promoting respect to cultural and religious differences and strengthening communication with NCS parents. We encourage EM students to study in "mainstream" schools, which would help their mastery of the Chinese language and integration into the community.

Annex 1

Breakdown of NCS EM Students by District
by Public Sector and DSS Primary and Secondary Schools
in the 2013-2014 School Year

<i>District</i>	<i>Public Sector Schools</i>		<i>DSS Schools</i>	
	<i>Primary</i>	<i>Secondary</i>	<i>Primary</i>	<i>Secondary</i>
Central and Western	440	36	0	348
Wan Chai	890	264	0	56
Eastern	114	447	5	21
Southern	20	34	0	3
Yau Tsim Mong	741	618	157	193
Sham Shui Po	669	41	45	1 164
Kowloon City	108	52	256	98
Wong Tai Sin	288	12	0	2
Kwun Tong	878	152	7	1 095
Sai Kung	119	86	9	99
Sha Tin	33	11	7	17
Tai Po	35	4	0	16
North	9	6	0	1
Yuen Long	749	206	49	103
Tuen Mun	511	804	41	0
Tsuen Wan	37	38	0	0
Kwai Tsing	367	119	522	0
Islands	655	42	0	765
All Districts	6 663	2 972	1 098	3 981

Notes:

- (1) Figures refer to the position as at September of 2013.
- (2) Figures cover students studying in public sector and DSS schools. Figures do not include special schools.
- (3) For the planning of education support measures, students whose spoken language at home is not Chinese are broadly categorized as NCS students. Figures have excluded those students whose ethnicity is not Chinese but with Chinese as spoken language at home.

Breakdown of NCS EM Students in Special Schools
by Category of Special School

It is a common practice for special schools to adopt flexible groupings across grade levels and individual education plans to cater for the SEN of the students. If we present the number of students according to primary/secondary levels, it cannot reflect the actual operation of special schools. Hence, we only set out below the total number of NCS EM students in different categories of special schools.

<i>School Year</i>	<i>Number of NCS EM Students</i>		
	<i>2011-2012</i>	<i>2012-2013</i>	<i>2013-2014</i>
<i>Category of Special School</i>			
School for Children with Visual Impairment	4	5	5
School for Children with Hearing Impairment	19	19	18
School for Children with Physical Disability	30	31	36
School for Children with Intellectual Disability	133	147	193
School for Social Development	5	5	2
Total	191	207	254
Percentage in total number of students	2.5%	2.7%	3.4%

Notes:

- (1) Figures refer to the position as at September of the respective school years.
- (2) Students whose spoken language at home is not Chinese are broadly categorized as NCS students. In other words, figures have excluded those students whose ethnicity is not Chinese but with Chinese as spoken language at home.
- (3) The support services provided by the Education Bureau for students with SEN are not related to the district in which they live or study. Hence, it is not meaningful to provide the information by district.
- (4) In general, students in special schools are with multiple disabilities. Students are placed in appropriate special schools by the Education Bureau according to the recommendations of specialists and the major SEN types of the students. Students from Hospital School are not included due to the transitional nature of the education service provided.

Annex 3

Education Support Measures for NCS Students in the 2013-2014 School Year

<i>Support Measures</i>	<i>Number of Beneficiaries (NCS Students)</i>
Provision of school-based professional support, including the University-School Support Programme financed by the Education Development Fund.	About 10 530
Implementation of the revised funding arrangement, that is, all schools admitting 10 or more NCS students (instead of only those with school-based support programmes specially arranged for NCS students, that is, the so-called "designated schools" before the 2013-2014 school year) are provided with additional funding to enhance the support for learning of the Chinese language by NCS students.	About 14 680
Operation of Chinese Language Learning Support Centres to offer remedial programmes after school hours and during holidays for those NCS students who have a late start in the learning of the Chinese language, to develop teaching resources, and to organize workshops for experience sharing with teachers.	About 520
Implementation of the time-limited Project of After-school Extended Chinese Learning for NCS Students through the Language Fund. Schools may apply for funding to put in place diversified modes of after-school support programmes for NCS students.	About 8 200
Refinement to the Summer Bridging Programme for NCS students in primary schools to allow parents to accompany their children with a view to enhancing their exposure to, and use of, Chinese and support for their children.	About 1 730
Development of the Supplementary Guide to the Chinese Language Curriculum for NCS Students and provision of professional development programmes for Chinese Language teachers teaching NCS students.	Note

<i>Support Measures</i>	<i>Number of Beneficiaries (NCS Students)</i>
Subsidizing eligible school candidates sitting for non-local Chinese examinations, including the General Certificate of Secondary Education (GCSE), International General Certificate of Secondary Education (IGCSE), General Certificate of Education (GCE) Advanced Subsidiary (AS)-Level and GCE Advanced (A)-Level Examinations to the effect that the level of examination fee payable by the subsidized school candidates is on par with that of the Chinese Language paper in the Hong Kong Diploma of Secondary Education. Moreover, needy NCS students will be granted full or half fee remission of the subsidized examination fee under the Examination Fee Remission Scheme.	About 1 220
Provision of support on the learning and teaching of Chinese for NCS children through the time-limited University-School Support Programme financed by the Education Development Fund.	About 1 270
With the support of the Language Fund, the Education Bureau organized district-based programmes in collaboration with non-governmental organizations to motivate NCS children aged 3 to 9 to learn Chinese through fun activities such as games and creative art, and so on.	About 400

Note:

The Supplementary Guide and professional development programmes, which are designed to cater for the diverse needs and aspirations of all NCS students, are applicable in all schools admitting NCS students.

Annex 4

Number of NCS EM Students with SEN in Public Sector Ordinary Schools

Under the prevailing practice, for SEN students with transient or mild learning difficulties, ordinary schools will provide Tier-1 support to them through quality teaching in regular classrooms and deployment of existing resources. Schools may not necessarily submit the information of those students to the Education

Bureau. As such, the data submitted by the schools on the number of students with SEN may not reflect the actual situation. Hence, we will not adopt this as the basis for working out the percentage of NCS students with SEN among the total number of students.

<i>Type of SEN</i>	<i>School Year</i>		
	<i>Number of NCS EM Students</i>		
	<i>2011-2012</i>	<i>2012-2013</i>	<i>2013-2014</i>
Specific Learning Difficulties	39	50	68
Intellectual Disability	65	74	90
Autism Spectrum Disorders	11	15	17
Attention Deficit/Hyperactivity Disorder	7	10	22
Physical Disability	3	3	4
Visual Impairment	1	1	2
Hearing Impairment	10	11	9
Speech and Language Impairment	60	73	84
Total	196	237	296

Notes:

- (1) Figures refer to the position as at September of the respective school years.
- (2) Students whose spoken language at home is not Chinese are broadly categorized as NCS students. In other words, figures have excluded those students whose ethnicity is not Chinese but with Chinese as spoken language at home.

Fees and Charges of MPF Schemes and Expenditure of MPF Schemes Authority

20. **MR PAUL TSE** (in Chinese): *President, it has been reported that the net asset value of the Mandatory Provident Fund (MPF) schemes is estimated to be as high as \$550 billion at present and the average fund expense ratio (FER) for the MPF constituent funds in this year was as high as 1.69%. As such, it is estimated that the fees and charges charged by MPF trustees and fund managers are as high as \$9.2 billion per annum. The press report has cited an example of an employee and his employer making monthly contributions to an MPF scheme for 40 years, and it turns out that the fund management fees will account for as much as 39% to 52% of the employee's accrued benefits. The press report has also pointed out that four trustees are currently having a total market share of as high as 70% in the MPF market, thereby creating a quasi-monopolistic market*

situation, which is the main reason why the Mandatory Provident Fund Schemes Authority (MPFA) has been ineffective in pushing forward a reduction of the MPF fund management fees. The public's lukewarm response to the "MPF Semi-Portability" (that is, the "Employee Choice Arrangement (ECA)") is also related to the trustees' refusal to enhance their efficiency and their levying of additional fees and charges. In addition, some members of the public have relayed that the MPFA has, on the one hand, requested the trustees to lower their fund management fees with a view to reducing MPF expenses, and on the other hand, it uses public funds to rent office accommodation at high rentals and employ many staff members with high salaries. Regarding the issue of lowering MPF fund expenses and the expenditure of the MPFA, will the Government inform this Council:

- (1) of the policies put in place by the authorities to tackle the quasi-monopolistic market situation of MPF trustees, for the purpose of urging trustees and fund managers to lower their fund management fees and to enhance their efficiency;
- (2) given that some members of the public have pointed out that the MPF fund investment companies have performed unsatisfactorily and that employees' contributions have been eroded by the fund management fees charged by them, and a negative rate of return has been recorded for some MPF schemes after deduction of the management fees, whether the authorities will conduct a study on amending the relevant legislation to allow contributors to directly invest, without involving any trustee, their monthly contributions in an amount not less than that required by the law, in index funds of which the management fees are lower (for example, the Tracker Fund of Hong Kong), with a view to lowering the fund expenses payable by the employees; if they will conduct such a study, of the details and the time required to complete it; if not, the reasons for that;
- (3) whether the authorities have reviewed whether the decision, made by the former Chief Secretary for Administration, who is suspected of having an interest related to the majority owner of the International Finance Centre (IFC), to renew the tenancy of the MPFA's office at

IFC was appropriate at that time; if they have, of the results; if not, the reasons for that;

- (4) whether it knows the lease period and the monthly rental expenses of the MPFA's existing office at the International Commerce Centre; of the actual needs for the MPFA to rent space in a Grade A commercial building as its office; whether the MPFA will relocate its office to office accommodation with a lower rental in order to reduce its expenditure;*
- (5) given that it has been reported that while the MPFA employs almost 700 employees (their average annual salary is \$400,000 while the annual salaries of its five highest-ranking executives amount to over \$3 million each) and rents a total of four offices, the MPFA has indicated that it would not, on grounds of effectiveness concerns, operate the "core fund" (that is, a standardized, low fee default fund under all MPF schemes) proposed by it, whether the authorities have assessed if the salary and rental expenditures of the MPFA is good value for money; whether they will request the Audit Commission to conduct a value-for-money audit on the MPFA to ensure that it has not misused public funds; if they will, when they will make such a request; if not, of the reasons for that; and*
- (6) given that there are views that the existing MPF System is unreasonable because the System, which was proposed by the former Managing Director of the MPFA who has the sobriquet of a resourceful man, can only "guarantee that banks and fund investment companies will make profits", but it "cannot force trustees to lower the fees and charges of funds which have recorded losses for 10 consecutive years" nor can it protect the employees' interests, and that some academics have proposed that the Government should take the opportunity of the introduction of the core fund to require MPF trustees to offer funds with a guaranteed rate of return of at least 4% to 5% per annum for employees to choose, otherwise the employees can switch to other trustees, or that the Government should offer a core fund with a guaranteed rate of return of 4% to 5% per annum, and that some academics have also proposed that public consultation should be conducted on the aforesaid proposals to reform the MPF System, together with the*

report of the study on a universal retirement protection scheme to be submitted to the Government by an honorary professor of the University of Hong Kong, whether the Government will study these proposals seriously and implement them as soon as possible for the purpose of reforming the MPF System?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President,

- (1) Currently, the 15 trustees approved under the MPF System offer a total of 41 schemes. Employers can choose among them for MPF contributions in respect of their employees. Scheme members may also transfer accrued benefits from their portion of MPF contribution in their contribution accounts to a scheme of their choice under the ECA, as well as the whole of the accrued benefits in their personal accounts to any of the 41 schemes. Over the years, the Government and the MPFA have pursued a host of measures to further promote competition, including (i) the introduction in 2007 of a FER as a common measure for comparing fees and charges of MPF constituent funds, and its publication alongside with the return and services of each fund on the website of the MPFA to facilitate comparison by scheme members; (ii) the publication of a low-fee fund list on the MPFA's website in 2012; and (iii) implementing ECA in 2012.

In the period from July 2007 to May 2014, MPF fees and charges as measured by FER dropped from 2.1% to 1.69%, representing a reduction of some 20%. Going forward, we will pursue major reforms to achieve a more substantive reduction of MPF fees. In particular, we are consulting the public on the proposed "Core Fund" which will be subject to a fee control and is expected to become a benchmark to drive competition and further fee reduction (see reply to part (6) of the question), in parallel the MPFA has embarked on a study on the Implementation of Full Portability.

- (2) The MPF System, as a mandatory, privately-managed and defined contribution pension system, is consistent with the second pillar of the retirement protection system recommended by the World Bank.

Its key objective is to assist the working population in saving for their retirement. Essential features of the System include, among other things, collection from employers their portion of MPF contributions in respect of their employees, and the MPF contributions of the working population themselves; as well as preservation of such contributions in the System until the scheme members concerned reach 65. Against this background, the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (MPFSO) provides for a system for approval of MPF trustees which are entrusted with the indispensable role of dealing with collection of MPF contributions, their investment and withdrawal in accordance with the law.

On access to index funds, the MPFA has taken proactive measures to encourage the use of such funds in recent years. Currently, there are 25 index funds within the MPF System including 10 that invest directly into the Tracker Fund. In addition, the proposed "Core Fund" (see reply to part (6) of the question) will adopt a passive, index-based investment strategy and provide MPF scheme members with more access to low fee index tracking funds.

- (3) In view of the current legal proceedings, it is not appropriate for us to comment on the issue raised in the question, lest affecting the conduct of the legal proceedings concerned.

(4) and (5)

The MPFA is a statutory body established under the MPFSO. A wide range of safeguards have been specified in the Ordinance to ensure accountability and transparency of the MPFA during the performance of its statutory functions. They include the appointment by the Chief Executive of independent non-executive directors to the MPFA, one of whom also assumes the role of the Chairman. An Administration Committee under the chairmanship of a non-executive director has been set up specifically to deal with the human resources and general administration matters, including appointment matters concerning executive directors, manpower plan, remuneration matters and office accommodation arrangements. In the process, the Administration Committee will take into account the

operational needs of the MPFA, prevailing market pay and rental, among other factors, and make recommendations to the full MPFA board accordingly. Under the MPFSO, the appointment of the executive directors and their employment terms and conditions are subject to the approval of the Chief Executive, while the budget of the MPFA requires the approval of the Financial Secretary. Moreover, the MPFA publishes its annual reports, including the audited financial statements, to enhance the transparency of its operation.

Specifically on rental expenses, the four offices of the MPFA are currently located in Kowloon West, Central, Kwun Tong and Kwai Fong to meet its operational needs and to provide convenient services to the community. For the year of 2012-2013, the expenses in relation to office accommodation (including office rental, rates and Government rent, management fees, electricity expenses, and so on) were around \$65 million, representing about 13.6% of the MPFA's total expenditure in that year.

Both the Government and the MPFA are mindful of the need of efficient use of public money and expenditure control. The headcount of the MPFA for 2014-2015 has been reduced by 4% as compared with the previous year. Moreover, the MPFA is currently reviewing its accommodation strategy, including the location of its various offices.

- (6) As mentioned in the reply to part (2), the MPF System, consistent with the multi-pillar model recommended by the World Bank, is designed to assist the working population to save for their retirement, while public resources will continue to focus on those in need. As a major reform to enhance the MPF System, the Government and the MPFA launched a joint consultation on the proposed Core Fund on 24 June 2014. Under the proposal, all MPF scheme members will have access to a standardized investment product that is subject to a fee cap of 0.75% and is designed in a manner consistent with the overall objective of retirement savings. While saving for retirement typically involves some 40 years, exposing investments to multiple market investment cycles and a guaranteed return by trustees is not feasible, the proposed Core Fund will be required to balance

investment risks and return, including the reduction of exposure to risky assets in the period before a scheme member reaches 65.

The consultation period on the proposed Core Fund will end on 30 September 2014. The Government and the MPFA will press ahead with the necessary legislative processes and operational arrangements for early introduction of the proposed Core Fund.

Dissemination of Information to Media by Government

21. **MR FREDERICK FUNG** (in Chinese): *President, on the 15th of last month, various media reported that according to reliable sources, six bodies participated in the storming of the Legislative Council Complex on the 13th of last month. On the 19th of last month, a television station reported that the Government had commissioned external organizations to conduct opinion surveys on the action to occupy the Central District (Occupy Central), and the results of the surveys indicated that an increasing number of people are not in support of Occupy Central and consider that Occupy Central would stimulate incidents involving violence. On the 23rd and 24th of last month, some media reported that in view of the eventuality of Occupy Central, the Government was then making various deployments, which included vacating the Ma Hang Prison in Stanley for the purpose of detaining and temporarily holding arrestees. On the other hand, some members of the public have complained to me that the Government has recently disseminated information (for example, survey results) to the media through anonymous sources from time to time. They have pointed out that such means of information dissemination makes it difficult for people to judge and verify the authenticity of the information, which not only results in the Government being alleged to have manipulated the media, but also has the effect of subjecting the organizations and bodies being named or criticized to the pressure from public comments and suppression, thus having treated them unfairly. Moreover, other media organizations and members of the public are unable to follow up with the reports concerned. In this connection, will the Government inform this Council:*

- (1) *whether the information concerned in the aforesaid reports was disseminated by the Government to the media organizations concerned; if it was not, why the Government has not made any denials or clarifications; if it was, of (i) the identities of the*

government sources disseminating the information to the media organizations concerned, the government departments or Policy Bureaux to which they belong, and the facts based on which they disseminated the information; (ii) the details of the opinion surveys on Occupy Central conducted by external organizations commissioned by the Government, including the government departments or Policy Bureaux that requested for the conduct of the surveys; and (iii) the objectives of the Government disseminating the information concerned to the media selectively and anonymously; and

- (2) *of the circumstances under which it anonymously disseminates information to the media; whether the authorities have established any standard and guidelines on this means of information dissemination; whether it has analysed and assessed the effects of this means of information dissemination, including the Government being alleged to manipulate the media and unfairly treat the individuals or organizations named, and so on?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, it is the objective of the Government, in pursuing "people-based" governance, to formulate policy initiatives that can be understood, supported and monitored by the public. To this end, the Government makes its best endeavours to disseminate information to them through multiple channels and to clarify misunderstanding of public policies, measures, work and services.

The media are a vital bridge between the Government and the community. A lot of government information and messages are conveyed to the general public through the media. Therefore, the Government has all along maintained close contact with the media.

Government Policy Bureaux and departments adopt a proactive and positive approach in the dissemination of information, adhering to the principle of openness and transparency. It is our practice to disseminate public information promptly when announcing major policies and measures, or to update the community on significant incidents. The Government often holds press conferences to explain its policies or decisions, while government officials also

respond to media questions at public functions and attend radio and TV interviews and programmes from time to time. Additionally, a large number of press releases are broadcast every day to provide the public with a better understanding of government work.

In short, the Government's means of disseminating information through the media include:

- (i) Press conferences and stand-ups;
- (ii) Press briefings and background briefings;
- (iii) Press releases and transcripts;
- (iv) Blogs, op-ed articles and letters to the editor;
- (v) Radio phone-in programmes, talk shows and TV programmes;
- (vi) Interviews and visits;
- (vii) Announcements in the Public Interest; and
- (viii) Replies to media enquiries.

People in the media industry may know that there are many ways of media reporting. It can be on the record, quoting the interviewees by name. It can also come from anonymous sources whose names not quoted. Generally speaking, quoting anonymous sources to reveal information can be found from time to time and non-attributable reporting is a common practice in the media world.

The Government will commission academic research institutions and private research institutes from time to time to conduct opinion surveys on various topics including political, economic and social issues as well as governance and livelihood concerns so as to better understand public opinion and take the pulse of the community.

Implementation of Mandatory Window Inspection Scheme

22. **MR WU CHI-WAI** (in Chinese): *President, under the Mandatory Window Inspection Scheme (MWIS), the Buildings Department (BD) selects 5 800 private buildings aged 10 years or above each year and serves statutory notices to the owners of such buildings, requiring them to carry out the prescribed inspection of the windows of such buildings and prescribed repair works found necessary after inspection. The owners concerned must appoint a Qualified Person (QP) within three months from the date of the statutory notice and complete the inspection concerned and the necessary repair works within six months. Regarding the implementation of MWIS, will the Government inform this Council:*

- (1) *as I have learnt that flat owners who have arranged for the installation of aluminum windows for their flats by registered minor works contractors (RMWCs) may be exempted from mandatory window inspection within five years from completion of the works, of the number of owners exempted since the implementation of the Scheme;*
- (2) *why flat owners of buildings aged less than 10 years are not required to carry out mandatory window inspection whereas other flat owners may be required to carry out window inspection five years after they have installed new aluminum windows of their own accord; whether the Government will review the legislation concerned and amend the requirement to the effect that window inspections are required once every 10 years, so as to align the related requirements under the legislation; if it will, of the details; if not, the reasons for that;*
- (3) *as the Government has indicated in its reply to a question raised by me regarding the estimates of expenditure for 2014-2015 that the BD has received six reports on suspected irregularities involving RMWCs since its implementation of MWIS up to the date of its reply to me, of the details and investigation progress of each case; how the BD deals with reports not involving issues of building works (for example, collusive price fixing); whether it has compiled statistics on the total number of reports received so far which involve window inspection but are not within the purview of the BD and, among such reports, of the number of those referred to other government departments;*

- (4) *of the means adopted by the BD to eliminate irregularities which involve window inspection and are within its purview (for example, problems of minor works contractors exaggerating the repair works needed and the quotations, and so on), and the progress of the work concerned;*
- (5) *as some flat owners has relayed that as profits on window inspection and supervision of related works are not substantial, quite a number of those QPs who are also engineers are not interested in providing such service, and it is therefore difficult for the owners to engage QPs for carrying out such works, whether the Government will relax the qualifications and experience required of QPs, or even introduce a licensing system for window inspection works, so as to increase the number of personnel in the market who can provide such service; and*
- (6) *of the number of applications received so far by the BD for extension of time for completion of window inspection and related repair works and, among such applications, the number of those approved; of the number of prosecutions instituted by the BD for non-compliance of statutory notices for window inspection, as well as the penalties imposed by the Court on the convicted persons?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the BD fully implemented the Mandatory Building Inspection Scheme (MBIS) and the MWIS on 30 June 2012 to tackle the problem of building neglect in Hong Kong at source. Under the Buildings Ordinance (BO) (Cap. 123), MWIS applies to private buildings aged 10 years or above (except domestic buildings not exceeding three storeys). The BD may issue statutory notices to the owners of these buildings, requiring them to appoint a QP within a specified time frame to carry out prescribed inspections and supervise prescribed repairs found necessary of the windows of the building. As for the inspection cycle, according to the current law, the BD must not serve a fresh notice in respect of the same window before the expiry of five years after the date of the preceding notice.

The original target of MBIS and MWIS was to select about 2 000 target buildings aged 30 years or above and about 5 800 target buildings aged 10 years

or above each year for implementation of MBIS and MWIS respectively. Buildings selected for MBIS will also be selected for MWIS under the same cycle so that owners can carry out the inspection and repair works under two schemes concurrently; the rest of the buildings will only carry out MWIS. The operational experience in the past year or so reveals that the workload associated with the implementation of the schemes is exceptionally heavy. There are also many views in the community that the pace of implementation should be slowed down to give building owners and the building industry more time to understand the new schemes and get prepared. Therefore, the BD has adjusted downwards the number of target buildings to be newly selected in 2014. Apart from continuing to issue statutory notices to buildings that have already been selected in the past, this year the BD will select only about 1 000 target buildings for carrying out MBIS and MWIS concurrently, and will not select any buildings for carrying out MWIS only. The BD will review the progress and implementation details of the two schemes each year in the light of experience gained and feedback from stakeholders and the community.

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

- (1) There is no provision under BO that an owner who has appointed a RMWC to install aluminium windows may be exempted from carrying out MWIS within five years from the completion of the works. In general, where a RMWC has carried out aluminium window installation works in respect of all windows in a flat unit, the owner may take the initiative to request the contractor to carry out an inspection in accordance with the requirements and procedures of MWIS and submit the required documents to the BD. The BD will consider not issuing a statutory MWIS notice to the owner within five years. The BD has not kept statistics on the number of these cases.
- (2) The two-stage public consultation on MBIS and MWIS in 2003 and 2005 indicated a community consensus to pursue mandatory inspection schemes, founded on the principle of "prevention is better than cure", to tackle the long-standing problem of building neglect in Hong Kong. The legislative amendment proposal for the two schemes was passed by the Legislative Council after detailed scrutiny between 2010 and 2011. In respect of MWIS, the

community consensus revealed in the public consultation was that the scheme should apply to private buildings aged 10 years or above, and the inspection cycle should be five years. As MWIS is currently at the early stage of implementation, the BD will formulate the number of target buildings for the scheme each year having regard to actual circumstances. At present, the BD has yet to draw up the timetable for the issue of the next round of statutory notices under MWIS, and also has no plan to revise the inspection cycle. However, the BD will review the scheme as and when appropriate based on the operational experience gained, the market condition and the feedback from stakeholders and the community. The BD also encourages owners to carry out inspections and repairs as necessary on their own initiative to ensure good maintenance and safety of windows. The Department will also continue to educate members of the public, through publicity initiatives, to use windows properly and carry out maintenance and repair regularly.

- (3) In replying to one of the questions raised by the Legislative Council Members regarding the estimates of expenditure for 2014-2015, the BD stated that since the implementation of MBIS and MWIS in June 2012, the Department had received six reports on suspected irregularities involving RMWCs. After studying individual cases in detail, the BD has found that two of the cases are only general enquiries and are unrelated to suspected irregularities involving RMWCs. In respect of the remaining four cases, the RMWCs concerned were appointed as QP by the relevant building owners to carry out a prescribed window inspection and repair under MWIS. The suspected irregularities reported mainly concerned unnecessary window repair or replacement prescribed by the QP and unreasonable inspection and repair cost. Information about the six cases is set out at the Annex.

Regarding reports on suspected irregularities or misconduct involving service providers, if the person making the report can provide sufficient information, the BD will conduct an investigation and take appropriate follow-up actions, including considering instigating prosecution or disciplinary action. As for reports involving window inspection but are not within the purview of the

BD (for example, collusive price fixing), the BD has not kept statistics on such cases. So far, there has not been any case warranting a referral to other enforcement departments for follow-up.

- (4) Upon the completion of inspections and/or repairs, the BD will conduct audit checks on the certificates in the specified forms submitted by the QPs to ascertain that the inspections and repairs have been carried out in accordance with the regulation and the guidelines issued by the BD. If irregularities of the service providers are found, the BD will consider instigating prosecution or disciplinary action against them. Whether a specific matter (for example, the scale of repair works and price quotation) is an irregularity depends on the specific circumstances and generalization is inappropriate.

The BD has promulgated the standards and guidelines relevant to MBIS and MWIS to enable members of the public to better understand the requirements of the schemes, including producing the "General Guidelines on MBIS and MWIS", "Code of Practice for MBIS and MWIS" and "Important Notes about Window Safety" pamphlet, specifying the standards and guidelines for inspection and repair. Owners may make reference to these standards and guidelines to assess whether the items and scope of inspection and repair suggested by the QP are reasonable.

Moreover, through various channels, the BD has advised QPs, when providing quotations on window inspection and repair, to set out clearly all the repair items, distinguish the basic items required by a prescribed repair under MWIS and other suggested window upgrading works items, and provide separate price lists for owners to consider. This may avoid misunderstanding and disputes between the two parties on the requirement and scope of a prescribed repair required by MWIS. If a building owner only wishes to comply with the basic requirements of MWIS and has no intention to carry out any window upgrading works, we also advise the owner to make this clear to the QP at the price quotation stage. Owners may also invite different QPs to provide quotations for reference and

comparison. If a QP after an inspection considers that window repair or even replacement is necessary, the building owner as a consumer may seek clarification from the QP on the reasons. If the owner does not agree with the judgment of the QP eventually, he may consider appointing another QP to carry out the inspection and make a repair proposal. If the building owner is not satisfied with the service provided by the QP appointed, he may cease the appointment of the QP and appoint a new QP to carry out the prescribed inspection/supervision and an independent registered contract to carry out the prescribed repair found necessary.

- (5) Under the BO, the QP for carrying out prescribed inspections or supervising prescribed repairs of windows under MWIS shall be a person whose name is for the time being listed on one of the following registers kept by the Building Authority, including authorized persons, registered structural engineers, registered inspectors, registered general building contractors and RMWCs registered for the class, type and item of minor works in respect of windows. The above registers have been uploaded onto the BD's website. There are currently about 17 000 QPs qualified to provide window inspection services, among which more than 15 000 are registered contractors. The number of these service providers should be sufficient to ensure a level playing field. The BD has also liaised with the relevant professional institutes, contractor associations and trade associations. These organizations have compiled lists of their members interested in providing services under MWIS, and the hyperlinks to these lists have been uploaded onto the BD's website for easy reference of the public.
- (6) Under MWIS, upon receipt of a statutory notice, the owners should appoint a QP within three months, and complete the prescribed inspection and repair (if necessary) within six months from the date of the statutory notice. An extra three months will be allowed for owners of buildings without an owners' corporation (OC) to organize and arrange the required inspection and repair works. If owners have difficulties and need more time to arrange the works, the owners/OC may submit a written application to the BD stating the justifications for extension of time. The BD will consider the

application on a case-by-case basis. The BD has not kept statistics on the number of cases applying for extension of time in carrying out MWIS.

Under the BO, an owner/OC who does not comply with a MWIS statutory notice without reasonable excuse may be served with a penalty notice for a fixed fine of \$1,500. Repeated offenders may be prosecuted and are liable upon conviction to a fine of \$25,000 and imprisonment for three months. The BD may also arrange for the required inspection and repair works to be carried out by its consultant and contractor, and then recover the cost of inspection and repair works as well as the supervision charge from the owners/OC, together with a surcharge of not exceeding 20% of the cost.

The BD has so far served a total of 17 penalty notices against non-compliant MWIS statutory notices. In 14 of these cases the penalty has been paid, while the remaining three cases are being followed up. As MWIS is still at the early stage of implementation, the BD will deal with non-compliant statutory notices in a pragmatic and flexible manner. The BD will first issue a warning notice to advise the owner to carry out an inspection and the necessary repair works as soon as possible. So far, the BD has not instigated any prosecution action in respect of MWIS statutory notices that are not yet complied with.

Annex

	<i>Nature of the case</i>	<i>Follow-up action</i>
Case 1	The owner reported that the inspection result of the QP was inaccurate and that the QP had not submitted a window inspection certificate within a specified time frame after completion of the prescribed inspection.	Investigation is still in progress.

	<i>Nature of the case</i>	<i>Follow-up action</i>
Case 2	The owner reported that the inspection result of the QP was inaccurate and that the QP required him to carry out unnecessary repair works.	The BD has completed investigation and found no evidence to substantiate the allegation. No further follow-up action is required.
Case 3	The owner reported that inspection result of the QP was inaccurate and that the QP required him to carry out unnecessary repair works. Later, the owner appointed another QP to carry out an inspection. That QP considered that no repair works was necessary and had submitted a window inspection certification to the BD.	Investigation is still in progress.
Case 4	The owner reported that the QP had arranged two members of staff to carry out an inspection at his premises, but the required repair items suggested by the two persons were different.	Investigation is still in progress.
Case 5	After completing a window inspection, the owner made an enquiry to the BD on the standard of acceptance and the classification of minor work items.	The case was classified as a general enquiry. The BD has issued a reply.
Case 6	The owner complained that the BD's arrangement for MWIS was unsatisfactory.	Upon liaison with the owner, it was found that he mainly complained about the unsatisfactory service and arrangement provided by the property management company of his estate for assisting owners in carrying out window inspection. The case was classified as a general enquiry. The BD has issued a reply.

BILLS**First Reading of Bills**

PRESIDENT (in Cantonese): Bills: First Reading.

VETERINARY SURGEONS REGISTRATION (AMENDMENT) BILL 2014**LAND (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 2014**

CLERK (in Cantonese): Veterinary Surgeons Registration (Amendment) Bill 2014
Land (Miscellaneous Provisions) (Amendment) Bill 2014.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

VETERINARY SURGEONS REGISTRATION (AMENDMENT) BILL 2014

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I move that the Veterinary Surgeons Registration (Amendment) Bill 2014 (the Bill) be read the Second time.

The Bill seeks to amend the Veterinary Surgeons Registration Ordinance (Cap. 529) to strengthen the composition of members of the Hong Kong Veterinary Surgeons Board (VSB) and streamline its *modus operandi*, thereby enhancing its capability in handling complaints and discharging its statutory functions.

Since the enactment of the Ordinance in 1997, the number of registered veterinary surgeons has increased from around 150 to 720. In tandem with the wider availability and utilization of veterinary services in the territory, the

number of complaints received by the VSB has also risen markedly in recent years (on average 50 complaints annually, relative to eight complaints in 1998). The complaints have also become more complex.

In 2012, the Administration and the VSB jointly conducted a review of the Board's structure and *modus operandi*. A public consultation was held on the package of proposals.

Taking into account the views collected during the public consultation and the situation in the local veterinary profession, as well as the need to cope with the ever-increasing number of cases, we have made recommendations in two major areas to improve the present situation. These are: (1) expanding and strengthening the membership of the VSB and (2) simplifying the procedures used by the VSB to handle complaints.

The Bill proposes to increase the membership of the VSB (including the Chairperson) from 10 persons to 19 persons. Of these, members who are registered veterinary surgeons will increase from the existing six persons to 12 persons. Members who are not veterinary surgeons will increase from the existing three persons to six persons. The Chairperson can be a registered veterinary surgeon or a person from outside the profession. In other words, excluding the Chairperson, the ratio of members who are veterinary surgeons to non-veterinary surgeons will remain at 2:1.

Under the existing law, the Chairperson and members of the VSB are appointed by the Secretary for Food and Health. The Bill proposes that the six newly added members who are registered veterinary surgeons be elected by members of the profession. This is to enhance the representativeness of the VSB and to encourage greater involvement of the veterinary profession in managing its own affairs. The Chairperson, six members who are not veterinary surgeons and the remaining six members being registered veterinary surgeons will continue to be appointed by the Secretary for Food and Health.

Under the Bill, the VSB may establish a panel of assessors who are not VSB members. We propose that the VSB may appoint as assessors not more than 12 registered veterinary surgeons, and not more than six persons who are not registered veterinary surgeons. The assessors may be assigned by the VSB to work in the Preliminary Investigation Committee (PIC) or the Inquiry Committee (IC) to handle cases of complaints lodged against registered veterinary surgeons.

Consequential to the proposal on newly added assessors, the Bill also makes adjustments to the membership of the PIC and IC. The VSB may appoint more members to the PIC and IC as when necessary to handle the increasing caseload.

In order to streamline the complaint-handling procedures of the VSB, the Bill proposes that the PIC can decide whether or not to refer the complaint directly to an IC to conduct an inquiry, rather than having to route the case through the VSB first as found in the existing Ordinance.

The Government has consulted the relevant stakeholders, including the registered veterinary surgeons organizations in Hong Kong and other related organizations in the profession on the various proposals made in the Bill. The Government also consulted the Legislative Council Panel on Food Safety and Environmental Hygiene in April 2014 and Panel members generally support the proposed amendments.

With these remarks, President, I hope Members can lend their support to the Bill. Thank you.

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

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

LAND (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 2014

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I move that the Land (Miscellaneous Provisions) (Amendment) Bill 2014 be read the Second time.

The object of the Bill is to amend the Land (Miscellaneous Provisions) Ordinance (Cap. 28) to increase the penalties for offences relating to unlawful occupation of unleased Government land for the purpose of enhancing the deterrent effect against the relevant offences.

Land is a scarce and valuable resource in Hong Kong. It is imperative for the Government to ensure that the use of land is properly controlled and managed. Provisions under Part II of the Ordinance stipulate the offences and penalties for unlawful use of land. Actions taken under the Ordinance are essential elements in the enforcement regime. It is of vital importance to keep the level of penalties abreast with societal development and to maintain an adequate deterrent effect against the relevant offences.

Section 6 of the existing Ordinance stipulates the offences and penalties for unlawful occupation of unleased land and the enforcement regime. However, the level of penalty under section 6(4), that is, a maximum fine of \$10,000 and imprisonment for six months, has not been revised since the enactment of the Ordinance in 1972. The current level of fine is not commensurate with the severity of the offence and could not achieve the necessary punitive and deterrent effects to both first-time and repeated offenders. In the reports of the Audit Commission and the Public Accounts Committee of the Legislative Council in 2012, the Government was strongly urged to promptly initiate legislative amendments to increase the level of penalties and consider introducing a system of daily fine to enhance the deterrent effect. Similar conditions are found in the penalties for offences under section 6(4A) of the Ordinance on unlawful structures erected on unleased land and section 7(4) on removal of earth, turf or stone from unleased land without a removal permit.

Having considered all of this, the Government proposes to increase the level of penalties for relevant offences under the Ordinance and to introduce a system of daily fine for unlawful occupation of unleased land. When drafting the amendment proposals for the Ordinance, we made reference to penalty provisions of a similar nature in other pieces of legislation, including the Urban Planning Ordinance (Cap. 131). According to the proposals on legislative amendment, on the offence of unlawful occupation of unleased Government land, that is, section 6(4), attracts a maximum fine of \$500,000 for the first conviction and \$1,000,000 for each subsequent conviction; and an additional fine of \$50,000 for the first conviction and \$100,000 for each subsequent conviction for each day during which the offence continues. For the two other related offences, that is, unlawful structures erected on unleased land under section 6(4A) and removal of earth, turf or stone from unleased land without a removal permit under section 7(4), the Government also proposes that the level of penalties be raised correspondingly. In addition, the Government proposes to put beyond doubt

that the Court has the power, either on application by the Authority or on the Court's own initiative, to make an order against the convicted person requiring the payment of relevant cost to the Authority.

We believe that the increased penalties through legislative amendments will send a clear message to the public, indicating the Government's determination to effectively combat unlawful occupation of Government land.

We have outlined in detail these legislative amendments in the Legislative Council Brief sent to the Council on 26 June. Previously, the Panel on Development was consulted on the legislative proposal on 22 April 2014. Panel members generally agreed with increasing the level of penalties against unlawful occupation of Government land with a view to enhancing the deterrent effect.

President, the Government attaches great importance to effective enforcement against unlawful occupation of Government land. Apart from amending the Ordinance to increase the penalties, the Lands Department is studying relevant measures to step up enforcement. I hope to make use of this opportunity to remind members of the public not to take part in any unlawful occupation of Government land, erect unlawful structures on unleased land or remove earth, turf or stone from unleased land without a removal permit.

I implore Members to support the Bill and increase the penalties for the relevant offences of unlawful occupation of Government land and enhance the deterrent effect on such offences.

I so submit. Thank you, President.

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

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

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We will now continue with the Second Reading debate on the Supplementary Appropriation (2013-2014) Bill.

SUPPLEMENTARY APPROPRIATION (2013-2014) BILL**Resumption of debate on Second Reading which was moved on 11 June 2014**

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

MR ALBERT CHAN (in Cantonese): President, on the Supplementary Appropriation (2013-2013) Bill, since the People Power opposed the Budget concerned, we therefore also oppose this Supplementary Appropriation Bill. Our position has been consistent throughout.

I wish to point out certain problems with respect to the system, rules or procedures concerning supplementary appropriation. These problems have existed for a very long time. The total amount involved in this Supplementary Appropriation Bill is as much as \$57.7 billion. President, according to the procedure, certain items or specific items have been passed in the Finance Committee. And so as a matter of procedure, the appropriation today must be made. President, this is because it is a *fait accompli*. The money has been spent. But the amount of money involved is so huge that it is unacceptable and incomprehensible. The Government forces the Legislative Council to accept and pass this Bill when it is not given any option. This is worse than being a rubber-stamp. For even a rubber-stamp has some flexibility in it because after all, the stamp is made of rubber. This is a procedure which is almost pre-set and it must be done and the Bill must be passed. It is also a *fait accompli*. This is much worse than a pre-arranged marriage in the past, even more arbitrary than certain acts done under a feudal system. So I hope that the method concerned must be reviewed and re-formed afresh.

Earlier on when I considered how to deal with this Supplementary Appropriation Bill, I had proposed an adjournment motion. It was because I thought that there was a lack of procedural justice. If I want to make this

proposal, I would consider at what stage it should be put up. However, I would also like to make use of this opportunity to point out the many problems found in this Bill.

At first when the Budget was announced, the People Power made many suggestions. The most direct demand is for the Government to pay back \$10,000 to each citizen. Mr LEUNG Kwok-hung proposed that \$50 billion be used to set up a universal retirement protection system. This is a more rational use of public money. Actually, when we talk about this supplementary appropriation of \$57.7 billion, it would be more than enough to complete any task advocated by us. "Long Hair" proposed that a sum of \$50 billion be used to set up the universal retirement protection system. Granting that, a sum of \$7.7 billion will remain. The People Power proposes that \$10,000 be handed out to every person and that means those who hold a three-star identity card, that is, those who have resided in Hong Kong for seven years. And if we count those who have resided here for less than seven years, that may mean 5 000 or 6 000 people, so the sum of \$57.7 billion will suffice. So when some people say that the Government does not have the money to do this kind of things, they are simply talking nonsense. Because the amount of money involved in the supplementary appropriation is \$57.7 billion.

President, another problem about the supplementary appropriation is that it mixes up the use of public money in many areas and all discussions are grouped into one and everything has to be passed all at one go as well. This is extremely inappropriate from the perspective of managing or monitoring public finance. It can also be regarded as a most absurd practice. This is because the exercise involves not only the supplementary appropriations for various government departments and bureaux to enable adjustments in salary to be made, but a lot of money is also involved in certain funds such as the Employees Retraining Fund. It means many items are included in it. How can we monitor, question and assess whether or not the supplementary appropriations are reasonable, whether they meet the requirements of value for money, or whether the public money is used properly, or whether there is any abuse or any abuse of power?

There has been quite a number of complaints against the use of public funds, especially on the use of public money by government departments. A recent example is the Dragon and Lion Dance Extravaganza and we can see that there is obvious dereliction of duty on the part of the committees or departments

concerned. And on this occasion, the amount of supplementary appropriation also involves the use of public money in those areas. So if the Government is to pass this supplementary appropriation of \$57.7 billion as a lump sum and if it only supports its request by a few pieces of paper — President, please see what the government department has handed in. On the Supplementary Appropriation (2013-2014) Bill, only about 10 sheets of paper are submitted to this Council and many of these 10 pages are appendixes. So how are we to monitor the whole thing? How can we make use of this opportunity to make an assessment or criticize the improper actions done by government departments?

Certainly, despite the difficulties, we will still try our best to put on record our views on the performance of these departments which we think is not satisfactory. We hope to highlight the problems found in these departments and how serious they are. Of course, the first department I wish to point out is the Police Force. As we have said when we queried the Secretary for Security, it is about problems with the Police Force. The Secretary said that there was no substantiated case of common assault. But in our offices in various districts, we have received a countless number of complaints against policemen acting like rascals. Many years ago, I once handled a case concerning a young man. He was dragged into an alley and beaten up. Then someone put a bag of heroin in his pocket and arrested him. He was sentenced to imprisonment. How are you going to argue a case like this? Three policemen framed a young man. These policemen also framed certain drug addicts. These drug addicts may have a pile of offence records and these policemen may be trying to meet some quota or what ...

PRESIDENT (in Cantonese): Mr CHAN, you have strayed away from the question.

MR ALBERT CHAN (in Cantonese): President, I just want to point out that the police want to apply for a supplementary appropriation of \$300 million ...

PRESIDENT (in Cantonese): As the information you have shows, the sum of money is mainly used to meet additional expenses incurred because of the salary adjustment for civil servants.

MR ALBERT CHAN (in Cantonese): President, I just cannot swallow it. If I am to approve of this supplementary appropriation application from the police, I will fight to the bitter end. And I will put down what I have got to say in the minutes. We should know that the popularity rating of the police is the lowest in 17 years. It has the lowest popularity rating. As for other departments, even if I am reluctant, I will approve of their applications. But for the police, we will definitely oppose them. So we will vote against them later. And we want to say why we will vote against them. President, we have no other option and we have no choice. We are forced to do so. As seen in the example I cited just now, there are policemen who frame the citizens and falsely accuse them of breaking the law and in the end these citizens are found guilty by the Court and sent to prison. So when we see such injustice, we will firmly oppose this application from the police to increase the funding. This is a view which must be put on record.

In addition, with respect to other government departments, there have been many reports, in particular the one about officers from the Food and Environmental Hygiene Department bullying the old and the weak. We have to put this on record as well. We consider that such things must never happen. As this also involves a supplementary appropriation of \$120 million for the purpose of salary increase, President, as I have said, on the mechanism concerned, discussions may have to be held with the departments regarding the supplementary appropriations because, when it comes to many statutory bodies or private organizations, for example, their back pay or increase in benefits or salary adjustments are all linked with performance. Of course, civil servants have an "iron rice bowl" so to speak and they have their traditions and rules. But this kind of supplementary appropriation does not have anything to do with their performance, popularity ratings or public opinion support. But as I said at the beginning, insofar as the handling of the Bill on supplementary appropriation is concerned, I would think that there must be a full-scale review and revision and it would be more reasonable to deal with this issue in the Legislative Council.

As for the other part, President, as I said at the beginning, this supplementary appropriation also involves many other items of public expenditure, such as paying rents for the public housing tenants, injecting money into the Environment and Conservation Fund, Employees Retraining Fund, Community Care Fund, Lotteries Fund, Language Fund, and so on. I hope that these items can be handled separately in future. The supplementary appropriations can be divided into supplementary appropriation (1), (2), and so

on. And applications for each of these appropriations should be submitted separately. This will enable us to handle matters in a system which is closer to formal and procedural justice regarding the monitoring of government expenditures and vetting funding applications.

Lastly, President ...

PRESIDENT (in Cantonese): Mr CHAN, as you said at the beginning, the expenditure items concerned have actually been approved by the Finance Committee and Members should have deliberated on them.

MR ALBERT CHAN (in Cantonese): I understand this very well. President, this is because the items under discussion now are for supplementary appropriation as a whole, so like I said just now, I can see that often times we do not have any choice and we have to take it. But since this Council has the duty to monitor government expenditure and this is our sacred duty, so the comments I have just made are only meant for the record. Basically, we oppose the Supplementary Appropriation Bill.

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

MR CHAN CHI-CHUEN (in Cantonese): President, I rise to speak against the Supplementary Appropriation (2013-2014) Bill (the Bill) as a matter of course.

The People Power also opposed the Appropriation Bill 2013 in the past. Regarding the Appropriation Bill 2014, we did not vote as we participated in the 4 June march on that day. So, we would like to take this opportunity to put it on record that we opposed the Bill.

In fact, what are we doing or on what question we are debating? I think we need to do some clear explaining to the public. The Bill seeks to provide for the supplementary appropriation of \$57.7 billion to the services of the Government for the financial year ended on 31 March 2014 in addition to the sum appropriated under the Appropriation Bill 2013. In other words, this \$57.7 billion has been spent. Then, the Government also mentioned that if the Bill is not passed today — what are the possible scenarios if it is not passed?

The possible scenarios are: the Bill is negatived or the scrutiny will continue and extend to Tuesday, meaning that the Bill is still not passed on 15 July. If so, what will the world be like? What will happen to Hong Kong? I wish to clarify this point first.

In fact, there will not be any trouble, unlike what the Financial Secretary said in his latest article entitled "Make a final dash" in his blog. He said: "The agenda for 9 July is also full of items of business ... apart from the seven Government Bills — I have skipped some parts of it as I am not directly quoting it — "If these bills and motions cannot be passed, the Government's services will be affected." However, I believe even if the Bill is not passed, the Government's services will not be as affected as John TSANG said. Neither will there arise a situation where the civil servants cannot get their salaries and the Comprehensive Social Security Assistance recipients cannot get their payments. It is because the money has been spent.

What is the consequence? The consequence is that it is not legitimate or not yet legitimate. In other words, if the Bill is negatived today, the Government will come back to seek this Council's approval for the supplementary appropriation next Session. In my opinion, the Government has never thought that the Bill may be negatived. Today, I hope the Secretary will seriously consider this and put himself in such a situation to think about it: this may be possible.

Certainly, from the position of the Government, be it a motion to seek funds on account or an Appropriation Bill or the Bill that we are dealing with today, the Government has formed the opinion that the passage is assured because there are more than 40 votes supporting the Government. The passage is a matter of course. Even the most controversial motion on the funding for the development of the North East New Territories, it was eventually passed after seven weeks' debate in the Finance Committee.

Having come to this juncture, I very much hope that all Members, especially Members of the democratic camp, will proactively consider supporting us by rejecting this Bill from the Government today. This is a method with the lowest cost and lowest price. But it can convey a very clear message to the Government, that it is wrong to think that whatever it submits to this Council, it will be passed. It is wrong to think that it can do whatever it wants. The public will also see that if the Bill is vetoed, the Government has to go back and make a good reflection. In fact, I think there are operational problems with

Supplementary Appropriation Bills. Although we can act as the gate-keeper on the money spent or give the final approval through the Bill, yet it will be eventually passed.

In fact, we can consider imposing an upper limit for Supplementary Appropriation Bills. We may draw a line to cap the amounts of money. What is the merit of this approach? The merit is related to the formulation, preparation or adjustment of the Government's Budget. Why does the Government wish to seek supplementary appropriation of such a huge sum of money amounting to more than \$50 billion? It is because of the long-standing practice of the Government in formulating its Budget in which a small amount of deficit is expected. But in fact, there is a large amount of surplus. The Government was aware of it during the process, or knew the result at the outset. When the Government has prepared a Budget with a small deficit, it already knows that there will be a substantial surplus one year later. So, what will it do during the process? How should such a huge sum of surplus be dealt with? Given this huge amount of surplus, it should be spent. In addition to increase in civil servants' salaries, the Government will allocate the surplus to the accounts of various funds. We have repeatedly mentioned such an operation, that is, after the money has been spent, it is confirmed by way of a Supplementary Appropriation Bill.

I hope the Government will realize that it should not think that the Legislative Council will surely pass the motions on which the Government is unwilling to compromise or revise one single word, be it a motion to seek funds on account, the Budget, or Supplementary Appropriation.

I recall that there was once an occasion on which a Supplementary Appropriation Bill was not passed, and the Budget was revised when the proposal of giving out \$6,000 to each citizen was approved. But the Government was reluctant to amend the Budget in subsequent years no matter how low the scores of the Budget were. Further, the Government did not have any alternative plans or deal with the issue in a flexible manner. What did Government do? It was vindictive and unwilling to compromise.

Take funds on account as an example. The Government will always apply for funds on account sufficient to meet the expenditure of about two months, and then expect the Legislative Council to pass the Budget by mid-May in accordance with the Government's timetable. If it is not passed in mid-May, the Government will pass the buck to Members and put the blame on filibusters

by Members. But this is not necessarily related to filibusters. Even though the motion is given serious consideration, it may be passed as early as June if an amendment is proposed for discussion. So, we asked the Government why it did not apply for a second appropriation. Why did it not apply for a larger sum of money given its experience in the past couple of years? The conclusion is: The Government feels that it is omnipotent and supplementary appropriation is a method for it to achieve a balanced budget, regardless of how inaccurate the Budget is. That is why we often call it an erroneous Budget.

In fact, the estimates in the Budgets of the past few years after the transfer of sovereignty were erroneous. The estimates were wrong year after year. However, I do not know whether Members really support the Government from the bottom of their hearts or because they feel helpless, they fully support the Budget every year. They fully play according to the Government's script and dance to the tune of the Government. On various occasions, I have said that it is an erroneous Budget or even a fraudulent Budget. However, the supplementary appropriation mechanism which is being discussed by us seeks to make up for the difference arising from the operation of this erroneous Budget or fraudulent Budget. In other words, the deficit is small while the surplus is huge. Owing to the huge surplus, the Government has to increase expenditure so as to reduce the surplus, thereby resulting in the current situation.

According to the revised Budget, the surplus for the last financial year is \$12 billion. In contrast with the original estimated deficit of \$4.9 billion, the surplus is underestimated by \$16.9 billion. We should understand that the surplus of \$12 billion is arrived at after allocating \$33 billion for relief measures and a total of \$40 billion for capital injection into various funds. If these two items of special expenditure are excluded, that is, if these two items of expenditure are not included in the Budget and we do not allow advanced allocation of funds for which the Bill is submitted today, what would be the results? The result is: The Government's fiscal surplus this year will reach \$85 billion if these two items of special expenditure are excluded. When special expenditure is not included by the Government, such a huge surplus is recorded. Similar situations where a huge surplus is recorded due to underestimation have occurred over the past few years. Eventually, money is spent in other areas. How can Hong Kong people believe that there is a structural deficit as mentioned by the Government? In response to our request for allocating more money for poverty alleviation measures during scrutiny of the Budget on the ground that the Government has ignored the people's plight, the Government said that it did not

have money and it was worried about the lack of money now and in the future. But eventually, it applied for supplementary appropriation ... because a motion on supplementary appropriation usually will not arouse heated discussion and the public will not pay any particular attention to it. But this time around, we are prepared to speak. If the Bill is passed at Second Reading and enters the Committee stage, we will explain in detail the hidden problems in each item of the supplementary appropriation.

In fact, the figures reveal the truth. Since the Financial Secretary was appointed in 2008, the budget deficit estimated by him over the past five years totalled \$81.7 billion. However, the actual surplus recorded is \$250 billion, representing a difference of more than \$330 billion, which is equivalent to one year's fiscal expenditure of the Government. Every year after heated debates, such expenditure will be met by means of supplementary appropriation ... that is, the expenditure is met under a Supplementary Appropriation Bill after the Budget is passed with an attempt to pull wool over our eyes. Although the Government will deny such an allegation, saying that it is very transparent on the ground that it has been submitted to the Finance Committee for scrutiny, can we oppose it? President, precisely because we cannot oppose it, so today we wish to seize this last opportunity to tell all Members how hegemonist and brutal the whole operation is. The repeated erroneous estimation of the Government's financial position by John TSANG gives people not only the impression that there is a problem with his ability, but also the impression that the Government is lying. In the past two years, the public managed to spot how the Budget is formulated and designed. Certainly we also often point out that the Government is tilted to consortia, resulting in the worsening of the wealth gap. Although the scale of rates relief has been reduced in the Budget announced early this year, there is certainly room for criticism. But in this session, I do not intend to elaborate it.

However, the Government never listens to public opinion, nor does it listen to the views of Members, particularly the views of Members of the opposition camp, still less any change to the wording of the Budget. The Government is good at structurally rigging the figures, meaning that the expenditures and deficits are false but surpluses are genuine. The four words "living within our means" have been manipulated, and the skill of manipulation is superb. The Bill in our hands contains evidence which is shameless and ignorant. What expenditures are included in the Bill for 2013? I have to tell the public that it mainly includes pay adjustment for civil servants; capital injection to the Employees Retraining Board, the Community Care Fund, the Lotteries Fund, the Language Fund and the

Environment and Conservation Fund; and the implementation of one-off relief measures, such as paying two months' rent for public housing tenants. Of course, we do not have strong views on paying rent for public housing tenants. But regarding the "transfer of figures" by using the accounts of those funds, we think it is very ... I do not want to use the word "shameful" so often, but I cannot think of a more appropriate adjective. The Government has opened a lot of so-called fund accounts with the purpose of injecting money into these funds. The interest spent is disguised as expenditure. Now, the Government has to seek approval for a supplementary appropriation of \$57.7 billion. If the Bill passes Second Reading and our discussion comes to each fund separately, I will remove all the covering up tricks for the accounts of these funds so that Members will know what exactly they are.

Even if the Bill cannot be passed today, the money has already been spent. However, if we can veto it, it will convey a very good message to the Government so that it will think twice when proposing a supplementary appropriation or formulating a Budget in the future. Otherwise, if supplementary appropriation is applied every year, will it not be impossible that the amount of the supplementary appropriation the next time will be \$100 billion? In other words, this is just a remedial measure after a problem has arisen. Let us consider this situation: If the financial controller of a private company has prepared such a statement of accounts, how can he have the face to remain in office?

MR WONG KWOK-HING (in Cantonese): President, I speak in support of the Supplementary Appropriation (2013-2014) Bill and oppose this filibustering by Mr Albert CHAN and Mr CHAN Chi-chuen on this Bill. This is because they are again wasting the precious time of this Council.

President, rightly as these two Members mentioned in their speeches earlier, now what this sum of \$57.7 billion involves are matters related to the people's livelihood. Like what they say, this is very necessary. But now they are saying things against themselves. They now want to object and vote it down. Actually, this sum of \$57.7 billion includes salary adjustment for civil servants in 2013, injection of money into the Employees Retraining Board and a number of funds, as well as the money to effect one-off relief measures such as concessionary measures like paying rents for public rental housing tenants, and so on. These are all measures concerning people's living and they are

supplementary provision. As they have said, this is money already spent. And besides, a number of procedures of appropriation have been passed in this Council and what is needed now is to approve of this sum of money as supplementary appropriation. Why should we still want to engage in filibustering on this occasion and when only five days are left in the current Legislative Session?

So I implore these two Members to give way so that our society can continue to function. Please do not waste the time of this Council anymore. This sum of \$57.7 billion should be used. Please do not stand in our way. Mr Paul TSE made the analogy of rinsing rice when he spoke against their filibuster action. He said what they were doing then was not just trying to rinse each grain of rice but that these grains of rice were fast becoming dust and there would be no need for rinsing at all. I think Members are all familiar with the reasons put forward by these two Members. As a matter of fact, during the 14 days when there was filibustering on the Budget, they were always repeating the same arguments. If Members do not believe me, they can rewind the recordings and review them. During these 14 days, they have wasted a total of \$35.79 million of the taxpayers' money. And adding to this the 15 days of filibustering last year, they have wasted a total of some \$70 million of taxpayers' money during these 29 days of filibustering in these two years. What for? What is more, now they are still filibustering and honestly, there are only five days left in this Legislative Session and as there are lots of agenda items to deal with and many of these items are very important, why do they not set aside some time so that we can use the small amount of time left to discuss those motions and topics that should be discussed in this Council?

President, I call upon the People Power once again to stop tormenting the people. Will the People Power consider the needs of the people and stop this filibustering. President, I hope that my short speech can make the People Power stop their filibustering at this last minute.

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

(Mr Albert CHAN raise his hand in indication)

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

MR ALBERT CHAN (in Cantonese): President, Mr WONG Kwok-hing has spoken in such heightened emotions, I think it would be better if there are more Members here. I request a headcount in accordance with Rule 17(2) of the Rules of Procedure.

PRESIDENT (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)

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

MR LEUNG KWOK-HUNG (in Cantonese): President, you mentioned the Stockholm syndrome. Although Mr WONG Kwok-hing has similar symptoms, he does not actually have it. He is suffering from the "once bitten, twice shy" kind of disorder. It means that whenever he hears someone speak, he will naturally connect the dots that the speaker is "filibustering". As a matter of fact, those who have been molested will often have such signs and symptoms. I do not blame him.

He said that we were "filibustering". I am speaking for the first time today; both Mr Albert CHAN and Mr CHAN Chi-chuen were also giving their first speeches today. Their speeches were less than 15 minutes. Can you label them as "filibustering"? Does speaking mean "filibustering"? Instead of "filibustering", I will be straightforward with you. Why do I not support the Government's effort in seeking approval of this Council for the supplementary appropriation? The Government's claim was high-sounding, indicating that the Government would be unable to provide services if the supplementary appropriation of over \$50 billion was not approved. But is it the actual situation? I also tend to think so because the Government can hardly activate universal retirement protection if it cannot seek the approval of this Council for supplementary appropriation of \$50 billion.

President, there are two sides of a coin. As for this innovative fund, Prof Nelson CHOW is currently racking his brains. His thin hair is getting thinner and thinner. However, his thin hair cannot be mentioned in the same breath with mine as my hair is made less on purpose. I am no longer "Long Hair" as I need to "grow" hair. What does "racking his brains" mean? I am trying to say that he is having a hard time finding government resources to finance his proposed universal retirement protection plan. This is so true that nothing can be done if the Government's effort is not approved.

What programmes is the Government seeking funding for? First of all, it is the additional injection of \$14.9 billion into the Community Care Fund (CCF) under head 53. What is the CCF? CHAN Ka-keung, I am sure you know that interest generated from the deposits can be used for some specified purposes. The duty of this Council is to monitor the Government to ensure that public funds are properly used, namely, to make sure that the additional injection of \$14.9 billion into the CCF under head 53 can facilitate the continuation of the compounding effect of the Fund to take place. If we only keep using the capital, the Fund will be exhausted one day. Perhaps the Government intends to introduce a bigger project under the CCF and, therefore, has to inject additional capital to generate more interests in order to cope with the implementation of any new project.

So, our job here is to carry out stringent monitoring by means of looking initially at the functions of the CCF. President, the CCF is an awful mess. Honestly, we can talk about this Fund for hours even if we do not "filibuster". The main issue of discussion now is to seek approval of this Council for supplementary appropriation. Otherwise, the Fund may have to cease operation. I do not quite understand what point Mr WONG Kwok-hing was trying to make. This Council ...

When I was in jail, a staff member of the Correctional Services Department asked me, "Long Hair, what do you do in the Council?" I answered him, "There is no use no matter what I do." But it is different this time around. The function of the Legislative Council and the duty as a Member of this Council is to monitor the Government to see whether the money is properly used. No funding should be approved if it seems that the money may not be properly used. President, why have we fallen into this vicious cycle? Even if we want to reduce one dollar from the appropriation, the Government could simply ignore us because we basically do not have the power to make such a reduction. Every

time in our discussion, we can only focus on a blanket disapproval of the appropriation before negotiating with the Government. It gives the public an impression that we, being Members who are responsible for monitoring the Government, are a bunch of unreasonable gatekeepers.

President, the CCF has aroused many controversies such as uneven "cash handout", resulting in those who have been subsidized by the Fund come forward and complain that they are either being ignored or the cash handout is not enough. Should we not talk about it? It is not a must that the appropriation amount has to be reduced under head 53 because I may insist that we need as much as \$24.9 billion to achieve the goal of inviting the poor to come forward to this Council to express their wishes.

President, let me cite an example. I have been bringing up one question relentlessly, namely: why are the expenditures on taking care of the elderly and chronic patients so insignificant? Why are those carers of the elderly subsidized but not the carers of chronic patients? All of these kinds of issues call for discussions. When the Government seeks approval of this Council for supplementary appropriation, we may think that the Government should apply for more funding. But we cannot increase the amount for which the Government is seeking approval. Neither can we ask CHAN Ka-keung to raise the amount. I wonder if CHAN Ka-keung can answer the question we are discussing today. You have nothing to do with the CCF. You need only monitor whether the interests generated from it is sufficient. When talking about the policy issue, the situation is just like that.

President, you are really intelligent. When LEUNG Chun-ying said that the sour relationship between the legislature and the executive authorities was due to those several Members who have been causing troubles in this Council, you pointed out that he had over-simplified the problem ...

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

MR LEUNG KWOK-HUNG (in Cantonese): How so, buddy?

PRESIDENT (in Cantonese): Please focus on the Supplementary Appropriation (2013-2014) Bill when you speak.

MR LEUNG KWOK-HUNG (in Cantonese): What I am talking about now is precisely the issue about supplementary appropriation. My conclusion is that we can neither veto the appropriation nor increase the amount of appropriation. We are in such a poor situation. If this Council vetoes the appropriation, the Government will be running out of money. Even if we want to increase the appropriation amount, we are not empowered to do so. Then, what are we doing here? Many Members are just like Mr WONG Kwok-hing, thinking that they have fulfilled their duties by giving speeches. They think that they have done their best by returning to this Chamber for the headcount. I think it does not work, for this issue.

I have one more point to say. Mr WONG Kwok-hing, do you know what head 44 is all about? Do you have any idea? I think you have no idea! It is about the Environment Protection Department's effort in seeking approval of this Council for a supplementary appropriation of \$4.8 billion, which will be injected into the Environment and Conservation Fund for accumulation ...

(Dr Elizabeth QUAT stood up)

DR ELIZABETH QUAT (in Cantonese): President, point of order. According to Rule 42 of the Rules of Procedure, "all Members shall enter or leave the Council properly attired and with decorum". I saw that Mr LEUNG Kwok-hung was in T-shirt and a pair of shorts when he entered the Chamber today. I think shorts are not a kind of proper attire. I wish the President to make a ruling.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, are you wearing a pair of shorts?

MR LEUNG KWOK-HUNG (in Cantonese): Yes, I am. But women Members can wear short skirts and shorts. What generation are we in? I am most reluctant to comply with such rule. Dr Elizabeth QUAT discriminates against

those who are wearing shorts ... as women can wear shorts, why should men not do so ...

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

MR LEUNG KWOK-HUNG (in Cantonese): That person is an idiot. Dr Elizabeth QUAT, have you not worn shorts?

PRESIDENT (in Cantonese): Mr LEUNG, stop speaking. A Member has raised a point about the Rules of Procedure. Mr LEUNG, Members in shorts entering the Chamber for a meeting are not properly attired and in violation of the Rules of Procedure. So, if you are wearing shorts, please change it to a pair of trousers before coming back to the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): President, I tell you ... your ruling is made without any proper reason and legal basis. I will seek a judicial review because ... women Members can wear shorts and they can wear open-toed shoes ...

PRESIDENT (in Cantonese): Mr LEUNG, I will not argue with you what is meant by decorum.

MR LEUNG KWOK-HUNG (in Cantonese): Certainly, I will not change my shorts ...

PRESIDENT (in Cantonese): I have made a ruling. Mr LEUNG, I have decided that you are not properly attired which is in violation of Rule 42(a) of the Rules of Procedure. You have to leave the Chamber immediately.

(Mr LEUNG Kwok-hung was standing and talking loudly. Mr Albert CHAN raised his hand in indication)

MR ALBERT CHAN (in Cantonese): President, point of order. A quorum is lacking in the Chamber. Please do a headcount.

PRESIDENT (in Cantonese): Mr LEUNG, you have to leave the Chamber now before I call upon the Clerk to do a headcount. You have to change your attire before coming back to the meeting.

(Mr LEUNG Kwok-hung remained standing and talked loudly)

PRESIDENT (in Cantonese): Mr LEUNG, leave the Chamber now.

(Mr LEUNG Kwok-hung was still standing and talking loudly)

PRESIDENT (in Cantonese): Mr LEUNG, I say it once again. Leave the Chamber now.

(Mr LEUNG Kwok-hung sat down and continued to speak loudly in his seat while security officers came forth intending to assist his withdrawal from the Chamber)

PRESIDENT (in Cantonese): I now suspend the meeting.

5.09 pm

Meeting suspended.

5.27 pm

Council then resumed.

PRESIDENT (in Cantonese): Meeting now resumes. Does any other Member wish to speak?

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): Point of order. I request a headcount.

PRESIDENT (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)

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I will now ask the Secretary for Financial Services and the Treasury to speak in reply.

(The Secretary for Financial Services and the Treasury indicated that he did not need to speak in reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Supplementary Appropriation (2013-2014) Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

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

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

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

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr LAU Wong-fat, Ms Emily LAU, Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr WONG Kwok-hing, Prof Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Alan LEONG, Ms Claudia MO, Mr Michael TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr WU Chi-wai, Mr YIU Si-wing, Mr Charles Peter MOK, Mr CHAN Han-pan, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Mr Kenneth LEUNG, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Christopher CHUNG and Mr Tony TSE voted for the motion.

Mr Albert CHAN, Mr Gary FAN and Mr CHAN Chi-chuen voted against the motion.

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

THE PRESIDENT announced that there were 54 Members present, 50 were in favour of the motion and three against it. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

CLERK (in Cantonese): Supplementary Appropriation (2013-2014) Bill.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

SUPPLEMENTARY APPROPRIATION (2013-2014) BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Supplementary Appropriation (2013-2014) Bill.

CLERK (in Cantonese): Clauses 1 and 2.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman ...

(Mr LEUNG Kwok-hung stood up)

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

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

MR LEUNG KWOK-HUNG (in Cantonese): I think Dr Priscilla LEUNG is not properly attired.

CHAIRMAN (in Cantonese): Mr LEUNG, please sit down. I do not think Dr Priscilla LEUNG is not properly attired.

MR LEUNG KWOK-HUNG (in Cantonese): No. When I saw women in meretricious clothes, I would always feel that it was not proper.

CHAIRMAN (in Cantonese): Mr LEUNG, please sit down. Do not disturb the order.

MR LEUNG KWOK-HUNG (in Cantonese): No. Chairman, I wish to seek your advice ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have raised your point and I have also made a ruling. Please sit down and do not impede the conduct of the meeting.

(Dr Priscilla LEUNG raised her hand in indication)

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

DR PRISCILLA LEUNG (in Cantonese): I request that Mr LEUNG Kwok-hung withdraws the adjective "meretricious". I think he has made an unreasonable accusation.

CHAIRMAN (in Cantonese): Mr LEUNG, just now I heard Mr LEUNG Kwok-hung's remark. But I did not hear which Member was described by him as meretricious.

Mr LEUNG Kwok-hung, do you wish to make a clarification? Did you describe a Member in the Chamber as meretricious?

MR LEUNG KWOK-HUNG (in Cantonese): I have to look up the meaning of "meretricious" from the dictionary. But I have not brought along a dictionary with me.

CHAIRMAN (in Cantonese): I did not hear which Member was referred to by Mr LEUNG. Please sit down.

(Mr Gary FAN stood up)

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

MR GARY FAN (in Cantonese): I did not hear Mr LEUNG Kwok-hung clearly say that Dr Priscilla LEUNG was meretricious as alleged by Dr Priscilla LEUNG. I can be a witness. And I wish to point out that there are objective criteria to determine whether a person is meretricious. I believe Dr Priscilla LEUNG does not need to worry about it.

CHAIRMAN (in Cantonese): Mr FAN, please sit down. This is not the time for you to speak.

Mr CHAN Chi-chuen, please continue.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, first of all, I will speak on clause 1 of the Bill. Clause 1 of the Bill is very brief: "簡稱本條例可引稱為《追加撥款(2013 — 2014年度)條例》。"(English version: "Short title This Ordinance may be cited as the Supplementary Appropriation (2013-2014) Ordinance"). I think there is a problem in the term "引稱" in clause 1.

I have looked up the *Hanyu Da Cidian* (《漢語大詞典》) and found the meanings of the words "稱" and "引" respectively. But I could not find the entry "引稱". In other words, the term "引稱" does not exist in Chinese language. Certainly, the Government may argue that this is a word translated from English. In the past, we had also discussed this issue. As many ordinances in Hong Kong are directly translated from English, it has led to a lot of problems or resulted in a unique situation where words are used in a most casual manner.

Let me talk about the word "引稱" which cannot be found in the dictionary. However, I can find the entry "稱引", which is a word formed by reversing the order of "引稱". In other words, there is a word "稱引" rather than "引稱" in the dictionary. So I do not understand why the Government uses the word "引稱" in clause 1 instead of "稱引". I hope the Secretary or relevant parties may explain it. I have looked up several dictionaries but I cannot find the word "引稱". What is the meaning of "稱引"? "稱引" may mean "援引" (meaning "invoke") or "稱述" (meaning "describe"). Members can also look up the meanings of these Chinese words mentioned by me just now on the Internet.

The word "稱引|" is also included in the website zdic.net (漢典). However, it is difficult to find the term "引|稱" in any authoritative source.

In zdic.net, "稱引|" is set out in simplified Chinese, and it means "叫做" (meaning "to be called"). According to *Hanyu Da Cidian*, the word may mean "稱謂" (meaning "to be named as"). According to some authoritative dictionaries and thesauruses, including the website zdic.net, the meaning of "稱為" or "稱謂" is provided. But I can never find the term "引|稱為".

Let us look at the wording of the English version of the Bill. The wording of the English version is easier to understand as the English term for the Chinese term "稱為" is "may be cited as". The whole phrase is "This Ordinance may be cited as". Some Members in this Chamber who have studied law or language may also share their views with us. The English version of this Bill is very clear in which the phrase "may be cited as" is used. This is a commonly used English expression which generally will not cause any misunderstanding or dispute. But when we read the Chinese version, such problems arise. The fact that it is difficult to understand may be purely due to literal or mechanical translation.

As I mentioned, I cannot find the word "引|稱" (be cited as) in *Hanyu Da Cidian* (《漢語大詞典》), but there is an entry of "稱引|" in it. So why did the Government not use it instead? "稱引|" was found in the history books of the ancient times. There is a saying in 《史記·孟子荀卿列傳》 (Shiji • A Biography of Mencius and Xunzi): "稱引天地剖判以來，五德轉移，治各有宜，而符應若茲" (Starting from the time of the separation of the Heavens and the Earth, the five elements, through transmutations, were arranged until each found its proper place, governing the rise and downfall of sovereigns in accordance with the Cycle.) Therefore, if "引|稱" is revised to "稱引|" in the clause, it is still incomprehensible.

So, disregarding whether it is "引|稱" or "稱引|", it may not be the most appropriate term. In my opinion, it should be more appropriate to revise the expression in the clause as "稱謂" (meaning "to be named as"). I shall stop here for clause 1.

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

MR ALBERT CHAN (in Cantonese): Chairman, I would like to express my views on clause 2 of the Bill. I believe many Members, including Mr WONG Kwok-hing, have not read the entire Bill and the Schedule carefully. As I explained at the Second Reading of the Bill, Members basically hold the view out of habit that the Bill will certainly be passed and therefore they are not interested in reading the Bill carefully. So let us read the wordings of clause 2 carefully. Under the title "Approval of appropriation", there are three lines of text which reads, "The appropriation in the manner expressed in the Schedule of a sum of \$57,724,715,270.80 from the general revenue for the services of the Government in the financial year that ended on 31 March 2014 is approved." Chairman, I am talking about the last phrase, that is, the money is used "for the services of the Government in the financial year that ended on 31 March 2014", with the focus on the words "for the services of the Government".

If we look carefully at the \$57.7 billion, we can see that part or most of the money is related to the pay rise for civil servants and other expenditures of senior personnel. Strictly speaking, it is debatable whether expenditures on those at the senior level, who are highly paid and too fat to pull up their socks, fall under expenditures for the services of the Government. Some of the money may be used as indirect or direct expenses for services, while some others are clearly and unambiguously expenses for services. However, regarding the sum of \$57.7 billion, does it fall under expenses for services of the Government as mentioned in clause 2? Chairman, I would like to cite some examples to disprove it because in my opinion, the description is misleading. I hope the Government will conduct a review of the description or divide the supplementary appropriation into several parts so that expenses that clearly fall under the category of services of the Government are separated from expenses which are not necessarily directly or possibly related to government subsidies or other category. I hope the Government will divide the appropriation into different categories of expenditure before seeking approval from the Council to avoid being accused of misleading the people. I am not sure whether the current practice constitutes an issue in law. It is because when approval for appropriation is sought, it is specified that the money will be used for providing services of the Government. But if some of the money is not used for providing services of the Government, is there any impropriety in the procedure? Will this be *ultra vires*, thereby constituting a legal dispute? Although such a practice may not be totally unacceptable in law, there are a lot of grey areas that are open to question.

Chairman, I will explain why I consider that the appropriation may not meet the definition of expenses for providing services of the Government. As Mr CHAN Chi-chuen and I repeatedly pointed out at the Second Reading, quite a large portion of this \$57.7 billion will be injected into or transferred to some Funds. Of course, some of these Funds may be regarded as parts of the Government's services because they are government-funded projects. However, is the relationship between the two necessarily correct? If you look at some projects carefully, you may cast doubts on them. Take head 53 as an example, it is the transfer of \$14.9 billion to the Community Care Fund (CCF). Certainly, the Government has indicated at the outset that in this financial year, part of the appropriation will be transferred to the CCF for providing allowances to low-income people for paying rents or other purposes. These can barely be regarded as expenses for services provided. However, quite a large portion of the funding will be retained for accumulation in the Fund. When we examine their financial statements in the future, a question will come to our minds: Is the Government's funding back then used for providing services as it was stated in the document? Or, is the money deposited in the bank as reserves for merely earning interest? In other words, some of the funding is used to meet immediate expenditure, while some is reserved to meet future spending and some is used for investment purposes. Therefore, the understanding in respect of the purposes of the funding may beg doubts.

Chairman, another example is head 44, under which \$4.8 billion will be transferred to the Environment and Conservation Fund by the Environmental Protection Department for retention. Some of the money may be used for investment or even as subsidy to non-profit-making organizations for promoting environmental protection projects. After a brief analysis and projection, it is believed that only about 5% of the expenditure of the Fund is really used for providing services of the Government. Therefore, the purposes of the appropriation are different from what the Government has stated in the Bill. In addition, a supplementary appropriation of \$10 billion is sought under head 184, "Transfer to Funds", which is used to inject capital into the Lotteries Fund. As we all know, the main beneficiaries of the Lotteries Fund are social welfare organizations. In the past, especially in the arguments over the lump sum grant system earlier, the social welfare organizations have been criticized for often keeping the money on their own for institutional development or investment purpose, or for the benefits of their senior staff such as pursuing further studies or other arrangements, rather than purely for provision of services. So, I hope the Government will make reference to such cases to prevent the accusation that the funding under the relevant project is not used for providing services of the

Government as stipulated by it when seeking the appropriation. I wish to put it on record that this is the problem identified by us when scrutinizing the application for appropriation.

Besides, I would like to respond to Mr WONG Kwok-hing who said just now that we were "filibustering". Chairman, in the discussion later on the Schedule standing part of the Bill, I will raise further questions. Most importantly, we are discussing the \$57.7 billion of appropriation as mentioned in clause 2. If a Member accuses us of "filibustering" when we speak for the first time without carefully considering and examining the clause, then he may be suffering from delusional disorder. Chairman, we were accused of "filibustering" for speaking only once probably because Mr WONG Kwok-hing would criticize filibusters whenever he was interviewed by the newspapers or other media. So, in order to catch the limelight, he has frantically criticized Members for "filibustering". He has suffered from mental disorder which is more serious than the mental illness as described by the Chairman.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I would like to add a few words about the technical problems with wording. It is because in relation to "Approval of appropriation" in clause 2 of the Bill, the Administration has used "現批准按附表所列分配方式，從政府一般收入撥出一筆\$57,724,715,270.80的款項，以用作截至2014年3月31日為止的財政年度政府服務開支。" However, the English version reads like this: "The appropriation in the manner expressed in the Schedule of a sum of \$57,724,715,270.80 from the general revenue for the services of the Government in the financial year that ended on ..." — I omit the date — "... is approved". There is no equivalent of "分配" anywhere in the English version but it exists in the Chinese version. Neither is there any English word corresponding to the Chinese word "列". Therefore, I have no idea where the words "分配" and "列" come from. Hence, I propose to render the relevant clause as follows: "現批准按附表所表述的方式，從政府一般收入撥出一筆577億元的款項，以用作截至2014年3月31日為止的財政年度政府服務開支。"

Chairman, I so submit.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): Secretary for Financial Services and the Treasury, do you wish to speak?

(The Secretary for Financial Services and the Treasury indicated otherwise)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1 and 2 stand part of the Bill. Will those in favour please raise their hands ...

MR CHAN CHI-CHUEN (in Cantonese): Chairman, point of order. 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): I now put the question to you and that is: That clauses 1 and 2 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for five minutes.

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

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

Mr LEE Cheuk-yan, Mr James TO, Mr CHAN Kam-lam, Dr LAU Wong-fat, Ms Emily LAU, Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr WONG Kwok-hing, Prof Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr CHEUNG Kwok-che, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Alan LEONG, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Charles Peter MOK, Mr CHAN Han-pan, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Mr Kenneth LEUNG, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok and Mr Tony TSE voted for the motion.

Mr LEUNG Yiu-chung, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr Gary FAN and Mr CHAN Chi-chuen voted against the motion.

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

THE CHAIRMAN announced that there were 53 Members present, 47 were in favour of the motion and five against it. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

CLERK (in Cantonese): Schedule.

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

MR GARY FAN (in Cantonese): Chairman, my speech is focused on head 156 of the Supplementary Appropriation (2013-2014) Bill (the Bill), that is, the supplementary appropriation related to the Education Bureau. The main reason for this head is the need to inject funds into the Language Fund (the Fund). In view of this, I wish to present my views on the use of the Fund in the past year and state my opposition to using the Fund to support the use of Putonghua as the medium of instruction for the Chinese Language.

Chairman, the original aim of the Fund is to maintain the standard of the Hong Kong public in the use of English and Chinese (which includes Putonghua). The Fund is managed by the Standing Committee on Language Education and Research (SCOLAR), which offers advice on all policies and procedures related to the operation of the Fund to the Trustee of the Fund. In order to tie in with the long-term goal of using Putonghua as the medium of instruction for the Chinese Language subject, as proposed by the Curriculum Development Council in 2000, from the 2009-2010 school year onwards, the SCOLAR assisted primary and secondary schools in Hong Kong in implementing the scheme to support schools in using Putonghua as the medium of instruction for the Chinese Language subject (the support scheme). The target is schools wishing to use Putonghua as the medium of instruction for the Chinese subject on a trial basis, including primary and secondary schools. Since then, the SCOLAR has used tens of million dollars of the Fund to support the support scheme in each school year. However, Chairman, the results achieved have aroused controversy among various sectors of Hong Kong society.

Chairman, in February this year, some netizens found that an article published on the website of the Education Bureau of the SAR Government went so far as to say that Cantonese, which is used by 97% of Hong Kong people on a daily basis, was not an official language. As a result, the Education Bureau came under strong criticisms from the public and some members of the public even initiated a "one person, one letter" campaign to demand clarifications from the Education Bureau. This incident aroused concern among the public as to whether or not the position of Cantonese in the education system in Hong Kong is being eroded by Putonghua and many members of the education sector publicly

queried the effectiveness of the support scheme, believing that Putonghua, which is based mainly on a northern dialect, would result in a decline in the ability to write Chinese essays among students. Some teachers also believe that using Putonghua as the medium of instruction for the Chinese Language subject would make teachers teach in a language that they are not well-versed in and students also have to take lessons in an unfamiliar language, thus seriously impeding expression and understanding among teachers and students and affecting the effectiveness of teaching the Chinese Language subject greatly negatively.

Chairman, in Hong Kong, secondary education is universal education and the differences in language proficiency among students are quite great. Forcing students whose language proficiency is not great to learn the Chinese language subject in a non-mother tongue will actually destroy their hope of doing well in examinations on the Chinese Language and stymie their interest in the Chinese Language subject. This will also affect the standard of Chinese Language of an entire generation of Hong Kong people, thus impeding the inheritance of Chinese culture.

Putonghua evolved from the dialect in Beijing and Manchuria and was introduced by a foreign race. It was only in the early years of the Republic that it was designated as the so-called the national language ...

CHAIRMAN (in Cantonese): I have to remind Members that as explained in the Legislative Council Brief received by Members, the Government had either sought the approval of the Finance Committee for the various appropriations set out in the Schedule to the Supplementary Appropriation (2013-2014) Bill, or the appropriations have been approved under delegated authority. According to section 9 of the Public Finance Ordinance, a Supplementary Appropriation Bill needs to be introduced into the Legislative Council as soon as practicable if at the close of account for any financial year it is found that expenditure charged to any head is in excess of the sum appropriated for that head under the original appropriation legislation. For this reason, the Committee is now examining this Bill. When Members comment on the details of the Schedule at the Committee stage, they should not delve into issues related to the details of specific policies. I call on Members to take note of this.

MR GARY FAN (in Cantonese): I understand it. Chairman, thank you for the reminder. I am just trying to discharge my responsibilities. Although this does not amount to the details of specific policies, I have to express my views on the overall direction. I will try to be as concise as possible.

Chairman, I said just now that the language designated as the so-called national language in the early years of the Republic ... according to the tradition throughout various dynasties, in the Han, Tang and Ming Dynasties, the orthodox Chinese language was the language used by the Han ethnic group. Coupled with the fact that there were fewer wars in the south than in the north, the culture of the Central Plains was preserved. Therefore, Cantonese in the south has truly preserved the essence of ancient Chinese culture and Cantonese can be described as ...

CHAIRMAN (in Cantonese): Mr FAN, your research into the Chinese language is admirable but I wish to point out that you have strayed away from the question. Please be as concise as possible.

MR GARY FAN (in Cantonese): Chairman, Cantonese and the language of the Han ethnic group are related. If we want to talk about the roots, we must mention some basic background information.

CHAIRMAN (in Cantonese): Mr FAN, I pointed out just now that when Members comment on the Schedule to the Supplementary Appropriation (2013-2014) Bill, they should not comment on individual policies in detail. Not only have you commented on individual policies, you are even making a pedantic analysis of the issue of Putonghua and Cantonese involved in the policy. This is not necessary. You have strayed away from the question.

MR GARY FAN (in Cantonese): Chairman, if we want to talk about Putonghua, of course, we have to touch on this aspect and this is normal ...

CHAIRMAN (in Cantonese): Mr FAN, I have already reminded you. If you continue to stray away from the question, I have to stop you from speaking.

MR GARY FAN (in Cantonese): ... I can only try to speak as concisely as possible.

Chairman, the reason I talk about the necessity to take into account the inheritance of Chinese culture in the teaching of Chinese language is that traditionally, the teaching of the Chinese Language has all along emphasized a holistic approach in the study of literature, history and philosophy and to understand an article, it would never do to simply learn the writing style by rote. Rather, it is necessary to carry out a more in-depth analysis, say, of the historical background of an article, the background of the author, the academic thinking of the author, and so on. These are not simple and cannot be achieved simply by changing the medium of instruction to Putonghua, as the SAR Government proposes to do at present. Yet, the Government has taken the contrary measure of abolishing the status of Chinese History as a required subject. As a result, our students cannot explore any further and have only partial knowledge of the Chinese culture, knowing that something is so but not about the essence.

Chairman, in her new book 《繹夫的腳步》 (the footsteps of a barge hauler), the famous educator in Hong Kong, Xiaosi (Prof LO Wai-luen), shared ...

CHAIRMAN (in Cantonese): Mr FAN, I still cannot hear what relevance your present speech bears to the supplementary appropriation of \$5.2 billion under head 156, "Government Secretariat: Education Bureau". If you stray away from the question again, I will have to stop you from speaking immediately.

MR GARY FAN (in Cantonese): Chairman, through my speech, I am trying to elaborate on the effectiveness of the Education Bureau's measure to use Putonghua as the medium of instruction for the Chinese Language subject ...

CHAIRMAN (in Cantonese): This has nothing to do with the supplementary appropriation under this number of vote. Please do not stray away from the question again.

MR GARY FAN (in Cantonese): Chairman, it is absolutely related. Can you allow me to finish my speech first?

CHAIRMAN (in Cantonese): Mr FAN, I have already given you reminders. If you stray away from the question again, I have to stop you from speaking.

MR GARY FAN (in Cantonese): All right, let me tell you why this is related then. I said just now that the famous educator in Hong Kong, Xiaosi, said in her new book that she believes when teaching Chinese ...

CHAIRMAN (in Cantonese): What do the contents of this book have got to do with this supplementary appropriation of \$5.2 billion?

MR GARY FAN (in Cantonese): Because I want to point out that the claim about the effectiveness of using Putonghua to teach the Chinese Language subject is not tenable ...

CHAIRMAN (in Cantonese): What has the effectiveness of using Putonghua to teach the Chinese Language subject got to do with this supplementary appropriation of \$5.2 billion?

MR GARY FAN (in Cantonese): ... therefore, this is related to the supplementary appropriation. Chairman, why is this not relevant? This amount of \$5.2 billion is used to promote using Putonghua to teach the Chinese Language subject, so why is this not relevant? I have to discuss if this fund allocation is effective ...

CHAIRMAN (in Cantonese): I said just now that when Members discuss the supplementary appropriation, they should not delve into the details of individual policies. Please do not elaborate on the policy of using Putonghua to teach the Chinese Language subject anymore.

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): Point of order. Please don't get agitated. Being agitated hurts your health.

CHAIRMAN (in Cantonese): Mr LEUNG, this is not a point of order. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): I request that according to Rule 17(2) of the Rules of Procedure ... I want to see the various types of attire prescribed by the rules to enhance my knowledge. I request a headcount.

CHAIRMAN (in Cantonese): Mr LEUNG, subsequent to the view voiced by a Member at the last meeting, I have reminded Members that when pointing out the absence of a quorum and requesting a headcount, a Member should simply make the request clearly and should not add any other comments.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I request a headcount.

CHAIRMAN (in Cantonese): Next time, if you add other comments, I will rule that you have breached the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, Chairman. I request a headcount. I am not going to make other comments.

CHAIRMAN (in Cantonese): Mr Gary FAN, please sit down first. Will the Clerk please ring the bell to summon Members back to the Chamber.

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

CHAIRMAN (in Cantonese): Mr Gary FAN, please continue. Please focus on the Schedule to the Bill and do not stray away from the question.

MR GARY FAN (in Cantonese): All right. Chairman, I have to stress two points. I wish to respond very solemnly to the views expressed by you just now. The SCOLAR uses the Fund to implement the use of Putonghua as a medium of instruction for the Chinese Language subject and ...

CHAIRMAN (in Cantonese): Mr FAN, I have said that you should not discuss any specific policy in detail.

MR GARY FAN (in Cantonese): I know. On the effectiveness of using Putonghua to teach the Chinese Language subject, first, Members should follow it up at meetings; second, if the effectiveness is poor, Members can then decide if they will approve this supplementary appropriation or not by casting a vote in favour of or against ...

CHAIRMAN (in Cantonese): Mr FAN, I have already said that you should not comment at length on the specific policy. You have said a lot just now, for almost 10 minutes, so please do not stray away from the question.

MR GARY FAN (in Cantonese): Chairman, I debated with you for at least two or three minutes in those 10 minutes. I am going to speak now.

Chairman, for many years, Lingnan¹ language education, which uses Cantonese in reading and writing, has been practised in Hong Kong and "the separation of spoken and written languages" along the line of the spoken language and written language was established. In this way, we can communicate and align with modern standard Chinese language, which is based on the northern vernacular but the written Chinese language in Hong Kong, which has absorbed

¹ A geographic area referring to lands in the south of China's "Five Ranges"

the Lingnan spoken language based on ancient vernacular, is also created. This is a kind of cultural accumulation and the transfer and inheritance of literature and history. Not only is this valued as a kind of tradition in Chinese language education, it is also an important tool that enabled Hong Kong to transcend the policy of division and derogation by the colonialism of the past. For this reason, based on cultural and education considerations, the Education Bureau should not abandon the traditional Chinese language education that uses Cantonese in reading and writing and switch to using Putonghua to teach the Chinese Language subject.

Chairman, if Hong Kong wants to maintain the Chinese language standard among students, no fund allocation should be made to the Language Fund for the implementation of teaching the Chinese Language subject in Putonghua indiscriminately, thinking that the results described by the Education Bureau can be achieved in this way. The Education Bureau must start by promoting interest in reading and making improvements to the Chinese Language curriculum. Of course, literature in Hong Kong carries a local flavour and traces of the Cantonese culture passed down from ancient times. I think the knowledge of the Hong Kong culture among officials in the Education Bureau is not deep enough. They even deliberately derogate the language standard of local literature and force students to adopt the words and vocabulary of other places. This will make the teaching of Chinese language in Hong Kong neither ass nor horse. If students in Hong Kong want to learn Putonghua properly, it would be enough just to offer the subject of Putonghua and there is no need to use Putonghua to teach Chinese language at all, thus damaging the cultural and history of the language in Hong Kong.

Chairman, the foregoing is my speech. I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I have to speak. Chairman, I ask you to discharge your duty as the Chairman by correcting me when I stray away from the question or am being repetitive.

I shall start now. The items I want to discuss are "Head 122 — Hong Kong Police Force" and "Head 49 — Food and Environmental Hygiene Department". These two departments are closely related to the general public of Hong Kong. What is the mission of the Police Force? It is to maintain law and order and enforcing the law according to the Police General Orders or Police Force Ordinance. Just now, I also heard the Chairman say that the relevant funds had actually been used and now, appropriations are being sought according to certain rules just as a matter of formality. If supplementary appropriations are being sought, we have to see which ones should be approved and which ones should not be. As regards which ones should be approved and which ones should not be, after my elaboration, Members can then consider in all fairness whether or not the appropriations ought to be directly disapproved and this is precisely the focus of the entire debate. Therefore, after Members have listened to my speech, and if they think that the crime does not warrant the death penalty, they can approve the appropriations. Alternatively, if they consider what I have said to be justified but the rejection of the appropriations is not warranted, that would also be fair. Why do I say so?

When it comes to the supplementary appropriation for the Police Force, of course, it is necessary to talk about the relevant results. I believe that low-ranking civil servants only take orders, just like our colleagues. The Chairman needs only say ...

CHAIRMAN (in Cantonese): Mr LEUNG, I have to remind you that what you are now discussing is the supplementary appropriation for the Hong Kong Police Force and all of it has resulted from the additional expenses arising from the 2013 civil service pay adjustment. Please do not stray away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, that is why I said just now ... how did you know what I wanted to say next? Recently, you have been really clever. I said just now ... pay adjustments should be made in respect of low-ranking officers but pay rises should not be given to high-ranking ones because, as I said just now, lower-ranking civil servants are just like the security guards in this Council. They have to enforce the orders received because if not, they will be dismissed but those in command ... just like our colleagues who are

security guards ... for example, you and the security officers are certainly different because they are responsible for giving orders ...

Therefore, when we comment on whether or not pay increases should be given to a department, with regard to those officers who have no choice but to execute orders, there is no way we can say their pay should not be increased or should be reduced. My argument is that with regard to the portion of supplementary appropriation for front-line civil servants in general, I cannot see any reason why their pay should not be increased. In fact, the supplementary appropriation is an increase of 2.4% on the original sum of \$14.7 billion and the amount is just \$367 million, so this sum is not very large. But, why do I seem to look for bones in an egg? My argument runs like this: Directorate civil servants and those at the top tier of the pay scale were given a pay rise of 2.55% — at present, there are a total of 72 directorate posts in the Police Force — whereas middle- and lower-level civil servants are given a pay rise of 3.92%. There are 33 000 middle- and lower-level posts in the Police Force and I think these people should be given a higher pay rise. It means that even though the amount of money spent is the same and I do not oppose this supplementary appropriation of \$367 million, the appropriation should not be distributed in this way and herein lies the crux of the matter.

Therefore, Honourable colleague should not get me wrong, thinking that since I often have conflicts with lower-rank police officers and since they have used pepper spray on me, I would hate them. This is not so. I think that it is those people who ordered those police officers to use pepper spray on me who deserve to die a thousand deaths and herein lies the subtle difference. If Honourable colleagues refuse to approve the supplementary appropriation after listening to my views, when the Government introduces another Bill into the Legislative Council to apply for appropriations again, we can tell the Government that we only support raising the pay of the rank and file officers, even though we think that the statement issued by the rank and file officers does not represent all of them. On such a subtle point, as a representative of the public in the legislature, I think I have to talk about this issue clearly, particularly given that I am a target of criticisms and many police officers loathe me, do they not? In fact, this is not what I mean. Rank and file officers, I approve giving the present supplementary appropriation of \$367 million to you, to be shared among yourselves after the fashion of "expropriating local tyrants and distributing the

land" but those people who issued wrong orders should not be allowed to enjoy the supplementary ...

CHAIRMAN (in Cantonese): Mr LEUNG, I have to point out again that you have strayed away from the question. The relevant funds have been used, so it is not possible to recover them, then study again how they can be used, as suggested by you.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, you are wrong. If we do not approve the appropriation, the Government will not be able to pay ...

CHAIRMAN (in Cantonese): The relevant funds have already been used, so it is not possible to not approve them.

MR LEUNG KWOK-HUNG (in Cantonese): No, you do not understand ...

CHAIRMAN (in Cantonese): You can look closely at the Legislative Council Brief for Members' reference. The Government is simply following the requirements of the law by introducing a Bill on the funds that have been used into the Legislative Council. Therefore, it is not true that if Members disapprove it, the funds can be recovered for redistribution again. Such a possibility does not exist. Please do not stray away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I really do not understand it. If we do not approve the supplementary appropriations today, would the Government face a financial crisis?

CHAIRMAN (in Cantonese): That would not be the case. The funds were already used in the last financial year.

MR LEUNG KWOK-HUNG (in Cantonese): Is that not illegal then?

CHAIRMAN (in Cantonese): Mr LEUNG, those funds were used in the last financial year already. This Council passed the Appropriation Ordinance for the last financial year and according to that Ordinance, each department can get a sum of money. Now, the relevant financial year has ended but the actual outturns of some heads of expenditure have exceeded the sums originally appropriated. The Government is now following the legal requirements and the requirements of the Public Finance Ordinance by introducing a Supplementary Appropriation Bill into the Legislative Council to reconcile the differences between the sums originally appropriated for each head of expenditure and the actual outturn. Therefore, Mr LEUNG, the possibility of recovering the supplementary appropriations and reusing them if this Council does not give its approval, as advocated by you, does not exist.

MR LEUNG KWOK-HUNG (in Cantonese): No, Chairman, this is really an issue.

CHAIRMAN (in Cantonese): There is no question about it. Mr LEUNG, I have already explained the actual situation to you, so please do not stray away from the question. If you stray away from the question again, I have no alternative but to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): No, Chairman. I really have a question on which I wish you can enlighten me: If we do not approve the supplementary appropriations and today, if we do not let the Government obtain the supplementary appropriation according to this formality, is the Government not short of money?

CHAIRMAN (in Cantonese): Mr LEUNG, the question described by you does not exist because those sums have already been used.

MR LEUNG KWOK-HUNG (in Cantonese): In that case, why do we still have to ...

CHAIRMAN (in Cantonese): Because the law requires that the Government must introduce this Bill into this Council as soon as possible. If this Bill is not passed, the law has no stipulation on what consequences there will be but those funds have already been used. Just now, your two Honourable colleagues have already spelt this rationale out very clearly.

MR LEUNG KWOK-HUNG (in Cantonese): I see. In that case, that means I have been making a Goldbach's conjecture, that is, in the event that the appropriations are not approved, what would the Government do? However, at the end of the day, there are actually no consequences. But, Chairman, I am not going to argue with you. I will now be wise and save my hide because should you drive me out, I will not be able to continue to deal with the business in the next four days ...

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

MR LEUNG KWOK-HUNG (in Cantonese): Yes, right, right, right. No matter what you say now, I would say you are right because I am now wearing pants (*Laughter*) ...

Chairman, I know what you are talking about. For this reason, I may as well cut a long story short and switch to talking about the Food and Environmental Hygiene Department (FEHD) to prevent you from saying that I have only dwelt on one aspect. The reasons for the supplementary appropriation sought by the FEHD are the additional expenses arising from the 2013 civil service pay adjustment and for meeting the cash flow requirement of a commitment item "Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas". As regards the supplementary appropriation being sought, generally speaking, it stands at 2.4%. Why do I oppose it? I do not know what the consequences of not approving the appropriation are but since the Chairman has pointed out that he could not tell what the consequences are, I am not going to argue anymore. In fact, I wish to explain to Members that the people actually

doing the work cannot get any share of this supplementary appropriation because those outsourced workers cannot get any pay rise on account of this supplementary appropriation. These funds are only given to officers in the FEHD and among these officers of the FEHD, the sum of money that the elementary staff get is also relatively speaking small. Therefore, my argument in relation to "Head 49 — Food and Environmental Hygiene Department" is more or less the same as that in relation to "Head 122 — Hong Kong Police Force".

Chairman, why do I target directorate police officers? I am not going to cite any example and will only talk about the facts. On the attack mounted against the Legislative Council, that is, the so-called attack on the Legislative Council, the Police could not catch the masked people who led the attack; instead, after those masked people had left, those peaceful demonstrators were ...

CHAIRMAN (in Cantonese): Mr LEUNG, what have your comments now got to do with the question?

MR LEUNG KWOK-HUNG (in Cantonese): Those directorate officers are incompetent. Those directorate officers are incompetent. True enough, it is about the fact that those directorate officers are incompetent. My argument is that there is no problem in giving the rank and file officers a pay rise but those directorate officers are incompetent. Those directorate officers said aloud that an attack against the Legislative Council was mounted but those people have not yet been caught ...

CHAIRMAN (in Cantonese): Mr LEUNG, you said just now that you were talking about the FEHD.

MR LEUNG KWOK-HUNG (in Cantonese): No, I have now gone back to head 122 and I am talking about both alternately. I am now talking about both alternately because I know that if I talk only about one department, you would surely chide me, so I am talking about two departments at the same time. This can save time, so this is in line with the principle of economics.

My arguments about these two heads are actually the same. The main point is: If we approve the supplementary appropriations, who are they for? If they are broken down, they consist of provisions for pay and expenditures. Insofar as the expenditures are concerned, I would not oppose them because nowadays, it is not possible to buy things on credit but if one gets less pay, one would not die, particularly with regard to highly paid officers. Therefore, in the future, when supplementary appropriations are sought, the money should be shared among low-paid officers as far as possible. In particular, when those in the directorate grade exercise their powers, lower-ranking officers are subjected to a great deal of pressure and this is not right. Let me cite an example — this is what I was talking about just now — those masked people who mounted an attack on the Legislative Council escaped under the public gaze. They were the perpetrators but the Police could not catch them. My assistants and some 30 people, who were continuing with their peaceful demonstration, were treated as people of the same lot and taken into a police vehicle for a beating. Buddy, how would that do? Therefore ...

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

MR LEUNG KWOK-HUNG (in Cantonese): Really. All right, I will give you face and I will not digress. I am not going to give the reason but I request that a headcount be done in accordance with Rule 17(2) of the Rules of Procedure.

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

(While the summoning bell was ringing, THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

(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 ALBERT CHAN (in Cantonese): Deputy Chairman, with regard to the supplementary appropriation, during the Second Reading of the Bill I already criticized that there may be some inherent problems in the tradition and design of the Bill as a whole. Mr LEUNG Kwok-hung and other Members also pointed out the problems with individual items when they spoke earlier on. Certainly, I understand that any detailed discussion on an individual item will be considered digression by the Chairman.

Members who are interested may take a look at the items set out in the Schedule to the Bill. There are two schedules in the Legislative Council paper, and Members can get a clear understanding if they care to go over them in two minutes. The Schedule to the Bill mainly sets out the "Number of Vote", "Head of Expenditure", and "Amount of Vote". Members actually played a part in examining these figures in the Budget. What we are discussing now is supplementary appropriation. It means seeking funding to make up for any gap or discrepancy with the original estimate. Just as Members said in their speeches, we all understand that the supplementary appropriation is sought mainly to meet the additional expenses arising from the pay adjustment and that the provision is required as a routine, and many of these expenses have already been paid. However, there are a lot of ambiguities in the explanation given in the paper.

I will point out some problems with the table attached to the paper and I hope the Secretary, being the financial controller — we can all see the poor results of the Budget or the bad performance of the Financial Secretary as the chief financial controller — but you are the financial controller, and have you provided true and complete information on the handling of finances? Have you clearly explained the reasons for the changes made in the information or statistics, and are these reasons reasonable? Secretary, this is actually your duty. Of course, we should be held responsible for failing to perform our gate-keeping role effectively and for scrutinizing public finance in a slipshod manner every year and condoning the Government by not taking actions as it makes mistakes in its calculation every year. Or this may be a bad habit of this Council over the years that must be rectified. If this mistake is not rectified, those who suffer are only the people.

Why do I think that the table of these accounts is sloppy and inappropriate, and worse still — as I said during the Second Reading debate — some of the descriptions are misleading? If Members can take a look at Annex B of this

paper ... I think people who do not have this Annex with them may not be able to understand what I am saying. Annex B actually sets out the main points of the Bill. There are the numbers of the "Expenditure Head" with the name of the department referred to by the Head. For example, head 24 refers to the Audit Commission and head 25 refers to the Architectural Services Department. It also sets out the amount of the original estimate. Then there are the actual expenditure and the amount of supplementary appropriation. On the far right of the table is the major reasons for the supplementary appropriation. There are actually five columns.

When you read this paper, you will know that \$57.7 billion — I am saying \$57.7 billion, not \$577 — The amounts involved in the Budget are usually in hundreds of billion dollars. Now that a supplementary appropriation of \$57.7 billion is sought, which accounts for more than 10% of the Budget. This is why the part on supplementary appropriation is questionable. Certainly, the Secretary for Financial Services and the Treasury or the Financial Secretary have time and again pointed out that these appropriations are routine and they will not explain them in detail. But being gatekeepers in the Legislative Council tasked to monitor and scrutinize government expenditure, we consider this inappropriate, unreasonable and unacceptable.

Just take a look at those items, such as the Audit Commission, Architectural Services Department, Civil Aviation Department, Correctional Services Department, and so on, and we will see that the reason for the supplementary appropriation is additional expenses arising from the civil service pay adjustment. This is understandable, and it is not wrong to say that this is the general reason. But we will ask a lot of questions. When the expenditure of a department was originally estimated to be at this amount, what is the difference in the actual expenditure over the past year (2013-2014)? For example, originally the Hong Kong Police Force (HKPF) have a staff establishment of 33 000 but due to the 1 July rally, it may be necessary to employ a lot more police officers or purchase a lot of things and so, these expenses will increase and so will be the consumption of gas. Therefore, the actual expenditure may have a lot to do with the need for supplementary appropriation. However, the reasons for the actual expenditure or the important factors involved are entirely not explained in this paper. No explanation is given, and the Government simply asks for supplementary appropriation as it wishes. For example, the supplementary appropriation for the Audit Commission is some \$800,000 which is not a large

amount of money, but in some cases, it is several hundreds of million dollars. For example, it is \$370 million for the HKPF. Mr LEUNG Kwok-hung's criticisms are reasonable.

Of course, what happened has happened, and the Government can wash its hand of everything once the appropriation is approved. They seek approval for supplementary appropriation every year. The money is already spent and it is impossible not to grant the additional provision. But is it that there is definitely no way not to increase the provision? Of course, if we want to make changes right now, the current legislation may not have provided the mechanism and power for changes to be made. Similarly, we have repeatedly criticized the MTR Corporation Limited (MTRCL) for its blunders, and many Members have proposed that the senior management of the MTRCL — I stress senior management — With regard to the end of year payment or end of year bonus for the senior management of the MTRCL, can it be linked with the percentage of accidents involving the MTRCL? The higher the incidence of accidents or the more mistakes it made, the percentage of pay rise for the senior management at year end should be reduced accordingly. If we put in place such a mechanism and when government information also provides a detailed breakdown, we can then establish a linked system. For example, the popularity of the HKPF this year is the lowest in the past 17 years. After Andy TSANG took office, the HKPF have become the most undesirable department in the eyes of Hong Kong people. Now that the police are like "licensed rogues" — this is how the police are criticized by many people — His popularity is low and of course, he is still no match for LEUNG Chun-ying whose popularity may be even lower, though the popularity of the Legislative Council is not high either, as the public are enraged by the performance of this Council under the occupation by functional constituencies Members.

If the mechanism for supplementary appropriation can provide a more detailed breakdown to explain the need to increase or reduce the provision — certainly it will be increased — and if, in the policy, the actual expenditure and staff establishment can — Deputy Chairman, I stress policy — I mean if the policy or the mechanism can provide for a linked system, and the pay rise for certain types of officers and in particular, senior officers, such as Secretaries of Departments, Directors of Bureaux, Heads of Department and those at Deputy Director level and even Assistant Director level ... As Mr LEUNG Kwok-hung has said earlier, with regard to the pay adjustment for the HKPF in 2013-2014, senior officers were given an increase of some 2% whereas the pay of junior

officers was increased by a slightly higher percentage. We can link the popularity, performance and actual circumstances of the department with the salary of the senior officers. In that case, not even an increase of some 2% could have been approved for Andy TSANG, right? But there is no such information in the paper, Deputy Chairman.

Some Members, including Mr WONG Kwok-hing, just could not care less and accused us of filibustering. Has he ever read the paper? Has he looked into how the money was spent? These are expenses paid out of public coffers, and how many cans of mud carp with black beans and luncheon meat are involved? This is not his money and he simply could not care less. We are talking about \$55.7 billion now and if this amount of money is handed out to the public, Hong Kong citizens can at least have \$8,000 each on average.

With regard to these details, I found many problems as I read them and so, I asked my staff to look up more information in order to find out what had happened, and we found that there are really plenty of problems. So, the financial controller must clearly account for or explain the actual situation. Of course, the Bill will definitely be passed in the end. It is exactly because it will definitely be passed every time that the Government has become indolent, reckless and unrestrained, and they simply could not care less when the Financial Secretary makes erroneous estimates in the Budget every year. Therefore, the Legislative Council should watch it more closely and reject the funding application once or twice to make the Government take actions to improve its handling of the problems and enhance the quality.

Earlier on I said that regarding the reasons given in the paper to explain the need for supplementary appropriation, and as all members of the public can see from the Internet, for a great majority of the items of expenditure, the reason for the supplementary appropriation is to meet expenses arising from the pay adjustment. But in respect of "Head 37 — Department of Health", the original estimate is some \$5.58 billion and the actual expenditure is \$5.6 billion, representing an increase of some \$25 million, and the major reason for the supplementary appropriation is "Injection of funds into the AIDS Trust Fund". My question is: Secretary, does the Department of Health (DH) not have any staff? Has the DH not incurred additional expenses arising from the civil service pay adjustment?

I really do not understand it after reading it. My question is: The DH does have employees and most probably its major expenditure ... Because when I look at head 37, I think it must not be 100% made up by the expenses for the AIDs Trust Fund. This amount totalling some \$5.6 billion must not purely be expenses arising from the Fund. Although it is written "Major Reasons for the Supplementary Appropriation", which means the main reasons for it, the Government should still explain them clearly. This may involve the staff — like the other items above it — or the civil service pay adjustment, and some \$20 million of it may probably be used for injection into the AIDS Trust Fund.

From these items we can see that the Government's explanation is slipshod or worse still, misleading. Secretary, I hope you can explain this when you give a reply later. At this Committee stage here, it is not always the case that the Secretary does not have to face any question or query and he does not have to face any pressure whatsoever and all he needs to do is to make a few casual remarks, drink a cup of tea and then get the Bill passed in a blink of an eye.

Deputy Chairman, in accordance with Rule 17(2) of the Rules of Procedure ... It should be Rule 17(3) as we are in Committee, Deputy Chairman. I hope I have not got it wrong this time around because I always confuse Rules 17(2) and (3). Deputy Chairman, I would like you to do a headcount in accordance with Rule 17(3) of the Rules of Procedure.

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

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

DEPUTY CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Deputy Chairman, just now I mentioned many problems in the Annex, and examples abound. For example, with regard to "Head 53 — Government Secretariat: Home Affairs Bureau", the amount of supplementary appropriation is \$14.994 billion, which is astonishing, and the major reason given is "Injection of funds into the Community Care Fund".

Certainly, the Community Care Fund (CCF) requires a huge injection but I think this amount is absolutely not purely used for injection into the CCF. Therefore, I think the reason listed in the paper is generalized, incomplete and inaccurate. Moreover, with regard to "Head 141 — Government Secretariat: Labour and Welfare Bureau", the major reason is "Injection of funds into the Employees Retraining Board", without involving any expenses arising from pay adjustment for the staff.

Therefore, I hope that the Secretary, who has left the Chamber, will examine these arrangements. I hope that in the future, the reasons given and the reports made must be true and accurate. It is most important to provide true and accurate information. He must not follow the example of LEUNG Chun-ying in using "hypocritical rhetoric" to deceive the public.

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

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I said during the resumed Second Reading debate earlier on that I opposed the Supplementary Appropriation (2013-2014) Bill (the Bill), and I oppose it from two perspectives. Firstly, we certainly have reservations about some of the items covered by the Bill, and secondly, from a wider perspective, I oppose it because I think the practice of supplementary appropriation, especially the way in which the Government operates these appropriations of some \$50 billion, will always lead to miscalculations in the budget. In every budget, a small deficit is estimated but it will turn out that a huge surplus is recorded and then the surplus will be all spent by way of supplementary appropriation. It is because the Government has several huge drawers and disregarding how much the surplus is, the Government can put the money into these drawers which are referred to as "expenditures" by the Government. But in my view, I think these should be "phoney expenditures", or put it less bluntly, "bogus expenditures".

I will focus on the Schedule in my speech. I think there are three drawers which are grossly ridiculous. They are put in place only to make it convenient for the Government to fabricate figures, so that the Government can draw up a budget freely according to its own wish and come up with a slight deficit every year. But as Members may recall, when the Government subsequently records a surplus, it will put the money into these drawers and spend it all. Let us take a

look at the Schedule. There are three largest expenditure items and among them, the biggest amount of money is used for injection into the Employees Retraining Board (ERB) as \$14.9 billion is channelled to this drawer. The second biggest drawer is the Community Care Fund (CCF), with a spending of also around \$14.9 billion though it is slightly less than that on the ERB. The amount of the ERB is \$14,995,323,973 whereas that of the CCF is \$14,994,561,143 which ranks second only with a slight gap of \$1 million. Lastly, the third biggest drawer also has to do with funds. It is "Head 184 — Transfer to Funds", or miscellaneous funds.

I will first speak on "Head 53 — Government Secretariat: Home Affairs Bureau" in this session. Members can refer to the Bill. Under this head, the amount of supplementary appropriation is \$14.9 billion. With regard to the supplementary appropriations sought by the Government this time around, if Members care to take a look at Annex B, they will note that the reasons for the supplementary appropriation are specified for most Policy Bureaux and departments and in most cases, the reason given is the need to meet additional expenses arising from the 2013 civil service pay adjustment. But under the Home Affairs Bureau (head 53), only one reason is given and that is, injection of funds into the CCF. On this point, I have a small question. Does it mean that the staff of the Home Affairs Bureau do not need any pay adjustment and so, the Bureau has not incurred additional expenses arising from this respect, or are these expenses already projected in the previous year? But it is unlikely that the Bureau can project these expenses in the previous year, or else the provision of supplementary appropriation would have been unnecessary. Furthermore, the amount of the supplementary appropriation is astounding as the original estimate is \$1,393,644,000 but the actual expenditure is \$16,388,205,143 and the amount of the supplementary appropriation is over \$14.9 billion. Obviously, it is because of an increase in the surplus that the Government made an injection into the CCF as expenditure.

According to this information as at 28 February 2014 that I have with me now, the CCF has since its inception launched 24 assistance programmes, but with regard to the composition of the Fund, has it actually departed from the original proposal? The Secretary of Department often says that the objective of the Fund is to plug the gaps in the existing system, thereby making up for policies which have now lapsed, and last year when an injection was proposed ...

DEPUTY CHAIRMAN (in Cantonese): Mr CHAN, I wish to remind you, and as Mr Albert CHAN has actually said, the \$15 billion injection into the CCF was approved by the Finance Committee. If you have paid attention to or attended the relevant meeting of the Finance Committee, you should have known that this injection was approved. As the Finance Committee has already approved this injection, you should not further discuss the policy on the CCF in detail.

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I certainly know it. As I made it clear during the resumed Second Reading debate, with regard to the CCF or any other fund, what was done could not be undone. The injections have been made already, and even if the Bill is negatived today, it does not mean that the injections could be recovered. I do know this clearly. However, if I wish to voice objection to it here, I certainly have to present my reasons to explain to Members why I oppose the supplementary appropriation. You can say that it would be impossible to recover the money even if I voice objection, but this is still meaningful, not meaningless. If this is meaningless, it would not have been necessary for us to debate this issue here. It is meaningful in the sense that if we can exert sufficient pressure or even negative the Bill, the Government would not be able to handle these appropriations with the same approach next time.

Therefore, you must give me time to talk about the CCF. This Fund was initially meant to be a matching fund, with the Government and the business sector each contributing \$5 billion at its inception. Subsequently, we suspected that the business sector had defaulted on the making of donations as promised because only \$1.47 billion had been paid at the end of February. So, is it that the Government, in view of the failure of the CCF and the departure of the CCF from its original purpose, made an unproportionally large injection by way of supplementary appropriation in order to keep the CCF going? This is why I have to present my views on and state my opposition to this item.

Deputy Chairman, as you know, when the CCF was tabled to the Finance Committee, Members actually had some opinions about it but it was ultimately approved. But subsequently, it became very difficult or even impossible for the Legislative Council to monitor individual programmes of the Fund. The transparency of the operation of the CCF is not high and as it is not subject to monitoring by the Legislative Council, Members are not in a position to point out its inadequacies or the areas where a waste of money is involved. We will not

do it. Of course, Members can say that upon the establishment of the CCF — In fact, all funds are the same — after the injection of funds is approved, the Fund can enjoy a high degree of autonomy and some measure of secrecy, making it impossible for the Legislative Council to point an accusing finger at it and criticize it for misuse of funds or tell it how its money should be spent. One can certainly say that this arrangement aims to allow flexibility in the operation of the Fund, but it has at the same time sacrificed the monitoring function of the Legislative Council. Coming back to the major principle, if the Government arbitrarily injects the surplus into this type of funds while the Legislative Council is deprived of its monitoring role, I would consider it necessary to draw Members' attention to this situation.

Last year, the Permanent Secretary for Financial Services and the Treasury (Treasury) said that the Fund was established by resolution of the Legislative Council under the Public Finance Ordinance and that the establishment of the Fund and the provision of funding for it are all justified. But we see big problems in respect of its monitoring and reporting mechanism. To dispel our doubts about the business sector defaulting on the making of donations as promised that I mentioned earlier, the CCF told the Legislative Council when they came before us to give an explanation that the business sector had fully settled the payment but they would not raise funds from the business sector again. In fact, this is already a strong reason why we should think about whether the CCF should continue to exist or whether it should exist in its present form. Are there more advantages or more disadvantages?

As I said just now, individual assistance programmes are not subject to the approval of the Finance Committee and it is difficult for the Legislative Council or the public to know anything about them. Worse still, there is no way for us to find out about its operation and it is impossible for us to play our monitoring role. Certainly, the Chief Secretary for Administration will tell us that the CCF exercises great care in approving programmes for implementation to the extent that during its initial operation, the Fund was questioned for being too conservative by withholding the funds and hence undermining the efficiency of the use of funds and deterring the provision of assistance to people in need. But with this huge additional injection into the CCF, is it actually meant to reduce the Government's responsibility to provide assistance to the disadvantaged on a regular basis? That is to say, the CCF can help whoever it likes and it can refuse to help whoever it does not like, while we are in no position to interfere.

It is worth noting that the CCF is established under the Secretary for Home Affairs Incorporation Ordinance. This is why we do not see CCF under any of the heads of expenditure as it is included under the expenditure for the Home Affairs Bureau. But in fact, the Home Affairs Bureau is not responsible for monitoring the CCF, which is interesting, and the Home Affairs Bureau is only the Secretariat of the CCF. We may wonder why it is not the Labour and Welfare Bureau. Why is it not the Chief Secretary's Office? Why is it that the CCF is placed under the Home Affairs Bureau for basic management, rather than subjecting it to policy regulation by the Labour and Welfare Bureau? No satisfactory answers have been given to these questions so far.

The Chief Secretary for Administration has said that the CCF will remain as a trust fund set up under the Secretary for Home Affairs Incorporated. The Home Affairs Bureau will only provide secretarial support without any policy input on the CCF issues. Besides, it is not appropriate to put the CCF under the Chief Secretary's Office because the Chief Secretary does not have the statutory authority to set up a trust fund as a legal entity. So, the CCF is very interesting.

Certainly, this appropriation amounting to almost \$15 billion is already injected into the CCF. But in stating my opposition or if the Bill is negated today, a clear message can be put across to society that there are big problems with the form of the CCF as well as its operation and regulation. This would force the Government to address squarely the need to conduct a review or even regularize most CCF programmes by placing them under the ambit of relevant policy departments. In that case, every time when funding is required, it would be necessary to make an application through the budget, rather than seeking an approval for supplementary appropriation, and also set out in the budget the policies requiring funding. Besides, in order to take forward a project requiring a huge injection, every time — I stress every time — it would be necessary to come to the Finance Committee to give an explanation and the project would be subject to monitoring by Members. Now, we can only take things stoically and I must say that there is nothing we can do about it. This \$14.9 billion is already spent, but I hope that if the Government cannot answer these questions in the future, it should not seek provisions in large amounts by way of supplementary appropriation anymore, or else this would be criticized by me as a game to fabricate figures, a game to conceal figures, or sheer "hypocritical statistics". I so submit.

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

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, please do a headcount under Rule 17(3) of the Rules of Procedure.

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

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

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

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

MR ALBERT CHAN (in Cantonese): Chairman, with regard to the comments I made just now about the information in Annex B being mostly unclear or even untrue, I only wish to cite a few more examples before finishing my comments on Annex B.

Head 49 set out in Annex B involves the expenditure of the Food and Environmental Hygiene Department, and the relevant supplementary appropriation of \$128 million serves mainly to meet the additional expenses for meeting the cash flow requirement of a commitment item "Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas". Chairman, I have looked up some old documents because I have some queries about it. If the information I have at hand is correct, a financial provision of \$230 million was actually endorsed by the Finance Committee on 15 March 2013 in the 2012-2013 financial year to fund the Scheme.

According to the explanation in the document submitted at that time, the authorities will offer a maximum grant capped at \$40,000, \$47,000 or \$54,000, depending on the size of the stall, to hawkers holding "cabinet-type" stall licence

for stall reconstruction costs by reimbursement. Chairman, given the endorsement of a financial provision of \$230 million by the Finance Committee in the 2012-2013 financial year, the supplementary appropriation in 2013-2014 should be counted as expenditure of the 2012-2013 financial year according to the original date endorsed in March 2013. Moreover, it is incomprehensible why the amount of supplementary appropriation now sought for the 2012-2013 financial year has exceeded \$100 million. I do not quite remember the Finance Committee ...

CHAIRMAN (in Cantonese): Civil service pay adjustment is already covered by this expenditure of more than \$100 million.

MR ALBERT CHAN (in Cantonese): This is precisely one of my queries because, Chairman, I have no idea of the relative size of the civil service pay adjustment in this \$100 million expenditure. This practice can be described as "putting everything together" because "injection of funds into certain funds" is often cited when other supplementary appropriations are sought without including the pay adjustment. However, the reason for the supplementary appropriation for head 49 is to meet the additional expenses arising from the 2013 civil service pay adjustment and, as stated above, for meeting the cash flow requirement of a commitment item "Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas". In other words, two purposes are served. Nevertheless, the share of the civil service pay adjustment in the \$128 million provision is unknown.

Chairman, another query is, as I pointed out just now, why this 2012-2013 financial provision would appear in the proposed supplementary appropriation in 2013-2014. The supplementary appropriation should refer to the appropriation made in 2014 as supplementary appropriation to the 2013-2014 rather than 2012-2013 financial provision. This is why I hope the Secretary can explain this later on because it might be me who has mistaken due to incorrect interpretation of the information. As I said just now, regarding the interpretation of the document on the entire supplementary appropriation task and the financial provision arrangements, we must make a painstaking examination, look up the information and make inference and analysis according to our shallow understanding of the relevant issue before forming the queries raised just now.

I can only describe these as queries rather than criticisms: Are such supplementary appropriation arrangements legitimate? Are they reasonable as well? How can I criticize its reasonableness or otherwise if I cannot even grasp the figures? Therefore, it is evident from the proposed supplementary appropriation for head 49 that the entire financial operation is not accounted for in a specific manner. The more we look at it, the more serious the problem is. Chairman, since the expenditure involves public coffers, I hope the Audit Commission can study the problems involved. Certainly, these problems can very often be exposed by the Audit Commission years later. However, judging from the circumstances surrounding this head, I believe the Audit Commission should assess and follow up this matter in a more comprehensive manner.

Chairman, it is also worthwhile to mention Head 190 — University Grants Committee, for which the supplementary appropriation stands at \$641 million and the relevant commitment item is "Sixth Matching Grant Scheme for the post-secondary education sector". My understanding is that there were a lot of disputes over the relevant policy. Moreover, the People Power has criticized repeatedly the unfairness and unreasonableness of the Matching Grant Scheme. The amount of money involved this time around is \$641 million, likewise, but we have no idea of the share of the civil service pay adjustment and the expenses for meeting the cash flow requirement of a commitment item for the matching grant.

I would also like to point out another problem. Many comments in the past considered that the Scheme could only result in a growing disparity among the universities. During the past five rounds of the Matching Grant Scheme, Lingnan University received only \$18 million but The Chinese University of Hong Kong received \$2.7 billion, of which \$1.1 billion was in the form of a grant. Hence, the disparity between the amounts of funding received by different universities will only give people an impression of unfairness or even unreasonableness.

Chairman, I wish to briefly mention that the relevant supplementary appropriation for Head 100 — Marine Department also involves staff pay. I hope to put it on record that, despite our fresh memory of the marine disaster off Lamma Island, this supplementary appropriation covers the pay adjustment for the former Director of Marine. We are well aware that the explanation and responsibility of the former Director of Marine in the investigation report compiled by the Commission, as well as the repeated debates and discussions

held in the Legislative Council, are most regretful. If this pay adjustment covers a pay increase for the Director of Marine, whereas there is no mechanism of veto whatsoever can be invoked, I can only seek to put my discontent and even frustration on record.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in accordance with Rule 17(2) ... Rule 17(3) of the Rules of Procedure, I implore you to allow me to request a headcount.

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

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

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

MR LEUNG KWOK-HUNG (in Cantonese): Now, I wish to talk about Head 184 — Transfers to Funds. Let us not talk about what purposes or intentions these funds serve for the time being. In fact, matters relating to funds are beyond our control. However, after funds have been established, we have to make continuous injections for their operation.

This supplementary appropriation amounts to as much as \$10.1 billion. What actually is it all about? It seeks to make the transfers to funds increase from \$7.4 billion to \$10.8 trillion. This sounds really scary and of course, we have to take this matter seriously. Why? Because after this sum of money has reached their hands, we no longer have any control over it. Giving them the supplementary appropriation now is to confirm whether or not they have been doing a proper job and whether or not those funds are operating properly, so there is political connotation in doing so.

This talk of \$10.8 billion sounds intimidating but actually, this is not so because the additional funds are mostly allocated to a single fund. Of this \$10.8 billion, \$10 billion will be allocated to the Lotteries Fund. As we all know, a lot of money is withdrawn from this Lotteries Fund, so it is like a very large alms box. Secretary TSANG Tak-sing often withdraws money from it for welfare purposes or for the provision of relief to various groups, so as to help them tide over difficult times and this is a right thing to do.

The problem is: The \$10 billion this time around is very different in that it is used for a very definite purpose, that is, the Special Scheme on Privately Owned Sites for Welfare Uses. I support this scheme and this should be encouraged because some private sites have to be revitalized and after revitalization, they can be used for welfare purposes, so the Government is duty-bound to revitalize them. However, why do I raise this matter here? The problem is: The Government should not get the money from this coffer because it can actually obtain the money from another coffer that is beyond our control. The operation of these funds has all along been managed by the Exchange Fund, so why not get the money from the Exchange Fund? Why is it necessary to get the money from us here? This is the difference between getting the money from the Government's expenditure and getting the money from the Exchange Fund. What I mean is: Since the money is intended to be given to and operated by the Exchange Fund, why not ask the Exchange Fund for it? In this way, our approval is not required and this is one of the key points that I am talking about. Although the return of the Exchange Fund in the first quarter of this year has fallen significantly by 60%, it still amounts to \$11 billion. If \$11 billion is deducted by \$10 billion, the Exchange Fund still has \$1 billion in revenue. May I ask why it is necessary to obtain the money in this way instead of getting it from the Exchange Fund?

In fact, the surplus in the Lotteries Fund will also be handed to the Exchange Fund for management, that is, the performance of the Exchange Fund will also have an effect on it. Therefore, I personally believe that not just now but also in the future, an account should be set up in the Exchange Fund for everything managed by it and the surplus of the Exchange Fund can simply be deposited in it. This is my view and I do not know what view the Government holds on this issue.

Suppose we ask the Government for \$5 billion and ask the Exchange Fund for \$5 billion, that would also do. This would not make the Government estimate the sums wrongly, that is, we have obtained too much money, so it wants to get the money back from us. Up to now, I still do not understand why the Government has to do it this way, so I hope that later on, Secretary Prof K C CHAN can do some explaining.

Therefore, I do not oppose this supplementary appropriation of \$10.1 billion *per se*, but I think that the money is not being sought from the right coffer. I am not going to say anything further on this issue because there is no point in doing so.

The second issue is related to Head 44 — Environmental Protection Department (EPD). In the tussle over the three landfills and one incinerator, of course, the EPD is in a very sensitive position. Under head 44, the main reason for the EPD to seek supplementary appropriation is the injection of \$4.8 billion into the Environment and Conservation Fund (ECF). The application for this appropriation was approved on 15 June 2013 and according to the paper, the Government would inject funds into the ECF and use the return from the fund to finance various environmental protection initiatives.

However, Chairman, I wish you could note that the ECF was established in 1994 and so far, it has only spent \$1.9 billion, that is, it has only spent \$1.9 billion in two decades, so why is it necessary to make an injection of \$4.8 billion? The reason is that the Government has changed the source of financing for the ECF, that is, the amount of injection is significantly increased and only the return from investments is used to finance environmental protection initiatives. This is a significant policy change. I do not know how those daft Members here look at this issue. This is practically a significant policy change. If we agree with this point, the Government will change its policy through this appropriation.

Chairman, of course, many people would say that in fact, this has been approved by the relevant panel. The issue that I want to raise is: Is it absolutely necessary to use \$4.8 billion of public funds to earn interest, or is the mode of accountable expenses adopted by the ECF, which has spent \$1.9 billion over the past two decades, more preferable? That means if the funds allocated are insufficient, they should be increased and there is no need to tie down the \$4.8 billion.

Chairman, there is actually no problem with this point. In my humble opinion, funds can be deposited with financial institutions for operation and if one wants to deposit money and earn interest, one can deposit the funds with financial institutions, so that a fixed interest return can be earned. In fact, this is not fixed interest. If the interest rate has to be lowered in our economy, since we follow the lead of the United States, it would be necessary to increase the capital further. Therefore, this measure is by no means preferable from the fiscal or administrative perspective. The past approach was direct fund allocation but now, someone is asking for "a lion's share" by putting \$4.8 billion into ... I do not know where it would be put into. Secretary Prof K C CHAN can explain this. May I ask where it will be put into?

Chairman, having said all this, it is the same reason for coming up with the Mandatory Provident Fund, that is, to allocate funds to fund managers, so that they can manipulate them and I oppose this. If the \$4.8 billion is used in other areas, they can perhaps be used more flexibly or adjusted according to the changes in circumstances and government policies in a timely manner, so that the money can be put to even better use.

In fact, the bodies financed by the ECF are Owners' Corporations (OCs). In that case, are OCs appropriate bodies to which funds can be allocated to carry out the so-called waste recovery and recycling? Chairman, if one has ever made an inspection of those buildings, one would know that at present, three-colour bags or bins are used in waste recovery, buddy. If this huge sum of money amounting to billions of dollars is injected to earn interest and the interest is used to finance OCs in carrying out waste recovery and recycling in this way, I think it is unwise.

Moreover, this would lead to another problem, that is, this Council can no longer exercise oversight on the ECF and it will be left to operate on its own. If we allocate \$4.8 billion for the conduct of something over which we will have no control, as the legislature monitoring public spending, do Members think that we should support this course of action rashly? If the Government takes this matter into its own hands by enacting legislation to mandate the resumption of this fund and encourage the provision of financing to OCs in waste recovery, would this be more preferable and would the policy be more direct? This merits consideration.

Therefore, how we spend the money will determine what kind of leverage the Government will use when spending money to achieve the leverage, will it not? If \$4.8 billion is allocated for this purpose and the money obtained each year is so little, no adjustment can be made. If the Government really wants to put in place such a new scheme, maybe next year, we will have to allocate \$4.8 billion again and in that case, the ECF would become unwieldy and an ever-expanding fund. I think it is not preferable to put the cash at our disposal into a certain financial institution to earn interest in order to finance the operation.

Therefore, Chairman, to cut a long story short, I have finished speaking and hope that the next Member can comment on other matters. Thank you, Chairman.

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

MR GARY FAN (in Cantonese): Chairman, I wish to speak on head 122 about the supplementary appropriation arising from additional expenses arising from the 2013 civil service pay adjustment for the Hong Kong Police Force in the Supplementary Appropriation (2013-2014) Bill.

Chairman, you have indicated clearly just now that the additional expenditure incurred by the 2013 civil service pay adjustment had been used and could not be covered. However, if we find that the salary increases concerned are not worth it ...

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): Please allow me to request Members to come back according to Rule 17(3) of the Rules of Procedure. 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 Gary FAN, please continue.

MR GARY FAN (in Cantonese): Chairman, I quoted the Chairman's remark in my speech just now that it is impossible to recover the additional expenses arising from the civil service pay adjustment because it has already been spent. However, I very much hope to take this opportunity to point out that if the pay increase is not worth it or the performance of these civil servants is found to be extremely poor after the pay rise, we as people's representatives are actually duty-bound to condemn them on behalf of the public. I also wish to remind various government departments to stay vigilant and consider if pay increases should be effected in this manner in future, or if certain staff members should be excluded from the pay adjustment. We must explore and discuss whether or not this approach and rate of pay increase are reasonable and if exaggeration or corruption is involved, just as the purchase of fish balls by Timothy TONG with public coffers. This is why I urge the Financial Services and the Treasury Bureau to submit a more detailed financial report.

Chairman, I would like to say a few words about the Hong Kong Police Force. During the 1950s and the 1970s, corruption was rampant in the Police Force and the rule of law was ineffective. Back then, vice activities, illegal gambling and drugs were condoned by the entire Police Force. However, thanks to the establishment of the Independent Commission Against Corruption in 1974 and the subsequent vigorous actions in combating corruption, the undesirable trend of the Police Force was restrained with a good image of the Police Force gradually built up in the heart of the people in the following decades. Chairman, pay increases should certainly be granted if the Police Force can maintain this atmosphere of cleanliness, work ability and good image. Chairman, there is absolutely no problem with the \$360 million supplementary appropriation. So, what is the problem? Since 1997, the Hong Kong Government's style of administration has gradually become more and more autocratic, with the Police Force acting indirectly as a political tool of the SAR Government in suppressing Hong Kong people and maintaining stability. The hawkish style of Commissioner of Police Andy TSANG has been completely revealed since he took office in 2011. Now, as the "Number One" man of the Police Force, Andy TSANG is manipulating by political means this enforcement department which should originally be impartial. He seeks to cross the line and abuse his power by various means with a view to causing petitioners participating in peaceful demonstration to receive unreasonable physical and mental treatment, thereby

hampering their chances and channels to make voices heard. Chairman, despite Andy TSANG's hostile attitude towards the people and terrible performance, he has been granted a pay rise by the Government year after year over the past couple of years. The same went for the last year. This is utterly ridiculous. In Andy TSANG's own words, this is utterly impossible. So, he ought to be condemned.

Chairman, what has Andy TSANG done over the past year after receiving a pay rise? In July 2013, Melody CHAN Yuk-fung, a newly admitted solicitor, was charged with unlawful assembly in violation of the Public Order Ordinance during 1 July and 2 July in 2011 — Chairman, that was two years ago — and was put on probation at the Eastern Magistrates' Courts for 12 months. The laying of a charge against her by the police for prosecution after a lapse of two years has caused a public outcry and a general worry ...

CHAIRMAN (in Cantonese): Mr FAN, individual cases are too remotely related to this supplementary appropriation.

MR GARY FAN (in Cantonese): I see. I try to be more concise then. Chairman, I will respond to your request by omitting one or two paragraphs. I would like to cite the case of Melody CHAN to illustrate the extremely low administrative efficiency of the Police Force despite the pay rise received by Commissioner of Police Andy TSANG — let us for the time being not discuss whether or not the prosecution is reasonable. It has taken the Police Force two years to arrest her and come up with the new expression "low-profile arrest".

Chairman, the second case I would like to discuss is very important, too. I have discussed this case repeatedly here because Hong Kong's press freedom is at stake. In March this year, Andy TSANG hosted a press conference in connection with the attack on Kevin LAU. Despite his high-profile announcement of the arrest of two hatchet men and nine persons suspected for involvement in the case, he evaded the question of whether the identity of the mastermind had been detected. In the press conference, he stressed five times publicly that there was no direct evidence linking the attack on Kevin LAU to Hong Kong's press freedom. However, the arrested hatchet men were still in Dongguan then and the police had yet interrogated them when the press conference was held. Chairman, do you find this approach not problematic? I

certainly consider it problematic. He hastily defined the nature of this case and claimed there was no evidence when the search for evidence was still in progress. Was he not ...

CHAIRMAN (in Cantonese): Mr FAN, even you admitted just now that you had mentioned this case many times before. Even with your further detailed comments, it is still unrelated to the Bill.

MR GARY FAN (in Cantonese): Fine, Chairman, I have to tell you again that they are related because I wish to point out that these two cases clearly demonstrate that it is undesirable and unwise to give Andy TSANG a pay rise. The Government should consider it carefully. Under his leadership over the past couple of years, the Hong Kong Police Force have a deplorable track record, and it is getting even worse in recent years. The unprecedented arrest of 511 demonstrators by the Police Force in the mock "Occupy Central" staged by the academic sector in the wake of the 1 July march this year should be the largest arrest made since the arrest made in the demonstration staged by Korean farmers. Chairman, these people were already psychologically prepared for arrests for staging civil disobedience. So, what is the point? The point is that during their detention after arrest, they were not provided with any food or drink by the police in a timely manner — I am talking about the provision of food or drink in a timely manner. Nor were they allowed to go to the toilet even after an hour or two. Chairman, can you not go to the toilet after an hour or two? Can Members not go to the toilet after an hour or two? I am talking about an hour or two. Furthermore, they were not allowed to call their family members or contact their lawyers. The prolonged detention of the detainees without any statements taken is a *de facto* administrative arrest, which is no different from the approach adopted on the Mainland. With the demonstrators trapped inside a tourist coach under the sun, the entire arrest and prosecution procedure was like a black-box operation. Chairman, Andy TSANG has made the Hong Kong Police Force regress and breach the law as if it has reverted to the dark times decades ago.

Therefore, Chairman, in connection with the supplementary appropriation as a result of the additional expenses arising from the civil service pay adjustment under head 122 in relation to the Supplementary Appropriation (2013-2014) Bill, I strongly condemn the arrangement of increasing the salary for Commissioner of

Police Andy TSANG because he is not qualified for a pay rise for he has destroyed the clean and capable image of upholding the rule of law which has been built up painstakingly by the Police Force over the years.

Chairman, I so submit.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, "Head 53 — Government Secretariat: Home Affairs Bureau", the head I discussed in the previous session, is aimed at seeking approval for supplementary appropriation for the injection of \$14.9 billion into the Community Care Fund (CCF).

The apparent role played by the CCF is to make up for the inadequacy of the existing arrangements to provide assistance to the disadvantaged who cannot receive any assistance under the regular social welfare mechanism. However, I must point out that one of the roles of the CCF is to facilitate the Government in "manipulating figures" to balance its habitual mistakes in surplus estimates. Hence, I consider the expenditure "bogus". Let me provide some additional information to substantiate my argument.

First of all, since its establishment in May 2014, the actual amount spent by the CCF is \$3.5 billion only. Compared to the supplementary appropriation of \$14.9 billion, the amount of principal spent is actually very small. Since its establishment, only \$3.5 billion has been spent by the CCF. In its existing balance of \$20.8 billion, \$4.9 million is regarded as cash deposit, whereas \$15.9 billion is kept by the Hong Kong Monetary Authority (HKMA), including \$900 million in investment returns. Certainly, part of the capital of the aforesaid \$20.8 billion balance comes from the supplementary appropriation of \$14.9 billion this time around.

Certainly, the Government can assist people in the lowest stratum of society by spending only the interest earned on the injected \$14.9 billion. It mentioned in the funding documents issued in June 2013 that the \$15 billion injection (the actual amount should be \$14.9 billion) would be spent on certain projects to, for instance, provide relief measures for the "N have-nots" who cannot be benefited from the Budget, that is, low-income earners who are neither

property owners, public housing residents nor recipients of Comprehensive Social Security Assistance. The Government has also indicated its intention to enhance the CCF's role of making up for the inadequacy of the existing arrangements by introducing a number of targeted assistance programmes and pilot schemes to assist people in financial hardship.

Furthermore, the Government has stated that, owing to recurrent expenditure limitations (this point has been mentioned frequently by Secretary Matthew CHEUNG) and the need for studying and rationalizing policies before the launch of new programmes, distant water will not put out a fire nearby, and hence it is imperative for the CCF to be set up. Meanwhile, in order to continue implementing proven effective programmes which cannot be immediately incorporated into the Government's regular assistance programmes, the CCF has to be set up.

According to the existing practice, funds are allocated from Government revenue for injection into the CCF, with the majority of the funds being managed by the HKMA. In our opinion, it is better to allocate part of the Exchange Fund's return for injection into the CCF, with the amount of injection determined by the amount of funds required. It is more practical to do so, for not only can the Government's expenditure be reduced, the foreign exchange reserve in excess of \$1,000 billion can also be well spent. The injection of part of the return from the Exchange Fund into the CCF ... in this connection, Mr Albert CHAN initially proposed the establishment of a "Grassroots Livelihood Improvement Fund" ... if the funds injected came from the Exchange Fund rather than Government revenue, \$14.9 billion could be released. If this sum of money is distributed to members of the public, each of them will receive \$2,000.

Of course, my proposal will not be taken on board by the Government. I have pointed out at the beginning of my speech that one of the roles played by the CCF is to achieve the purpose of "flood discharge". When the Government under estimates its surplus so that a slight deficit has turned into a large surplus, its expenditure can be increased through injections into the CCF. After making an injection into the CCF, however, the Government still acts in a very miserly manner, for it will only spend money in the first tier without really spending the entire sum of money. In this way, the Government's income and expenditure account is made relatively balanced with only a little surplus left, but the sum of money injected into the CCF will not be spent in practice. Therefore, this is a double benefit to the Government.

Furthermore, we disagree that the CCF be administered by the Home Affairs Bureau. This point was actually discussed by me in a more detailed manner in the previous session. In our opinion, the CCF should most preferably be administered by the Labour and Welfare Bureau. As we do not agree to the mode of injection and the administration of the CCF by the Home Affairs Bureau, we oppose this supplementary appropriation.

Earlier on, I also mentioned the Government's three major ways of "manipulating figures", namely hiding the figures, making bogus expenditures and, lastly, "head 184 — Transfers to Funds". The supplementary appropriation under this head is \$10.1 billion, thereby increasing the funds transferred in 2013-2014 from \$740 million to \$10.8 billion. It is thus evident that the "Transfers to Funds", so to speak, can give play to a magical power which can help the Government turn its \$10 billion surplus into expenditure.

Actually, the supplementary appropriation mainly serves two major purposes, namely injections into the Lotteries Fund and Disaster Relief Fund. According to the information I have on hand, \$10 billion of the \$10.1 billion will be injected into the Lotteries Fund, which will be used mainly by a special programme for the use of private land for welfare purposes. Certainly, I will not discuss this programme in detail. Its spirit is, however, worthy of support because social welfare organizations can then receive more resources for the expansion and redevelopment of institutions and provision of additional places with a view to improving their services and shortening the queues for these institutions in Hong Kong.

This programme has now received applications from 40 organizations involving 60 projects, with 17 000 additional elderly and rehabilitation places expected to be provided. But, what do we think? Information has shown ... actually, the \$10 billion should be virtually the same as the CCF mentioned by me just now in principle. In fact, the funds should not be allocated from Government revenue as supplementary appropriation sought today. We share the view that part of the profit can be allocated from the Exchange Fund direct. In that case, adequate funds, or \$10 billion, can be made available for the implementation of the aforesaid programme.

Even Mr LEUNG Kwok-hung pointed out earlier that the Exchange Fund would still have some money left even after injecting its surplus into this programme. In fact, the balance of the Lotteries Fund is now administered by

the Exchange Fund, too. So, it is better for the Exchange Fund to inject capital into the Lotteries Fund. Likewise, the amount of funds to be spent depends on the amount of money to be appropriated. This approach is more direct without making the superfluous move of placing the funds from one pocket to another. I believe Members will understand the overall operation of these Funds after listening to my explanation.

Next, I would like to discuss "Head 156 — Government Secretariat: Education Bureau". I recall Mr Gary FAN, the Member who spoke first, pointed out that the supplementary appropriation under head 156 involved mainly additional expenses arising from the 2013 civil service pay adjustment and injection of funds into the Language Fund. Insofar as the supplementary appropriation for a single Policy Bureau is concerned, the entire supplementary appropriation of \$5.2 billion is among the top five supplementary appropriations. Certainly, insofar as the entire amount of injection of \$5.2 billion is concerned, we have no idea of its distribution, that is, how much will be used for the civil service pay adjustment and injection of funds into the Language Fund. That is not the most important point. Most importantly, we consider it a waste to make an injection into the Language Fund.

Just now, Mr Gary FAN spent a lot of time discussing how Putonghua education could be enhanced. Given Hong Kong's current situation and environment, I believe all Members will agree that renewed efforts to implement teaching the Chinese Language subject in Putonghua will give rise to conflicts in the local community. In fact, when the injection of funds was endorsed by the Finance Committee on 10 January 2014, many diverse views were expressed by various parties because, upon receipt of the \$5.2 billion injection, the Language Fund would only use its returns from investment to improve the language standard. According to the authorities, should the investment return reach 5%, \$250 million could be spent on funding the Language Fund projects. Meanwhile, the \$5 billion in public coffers would be perpetually kept by the HKMA for investment. This means that this sum of money cannot be used direct on other projects which can benefit the public. Hence, we would like to make some calculations. If \$5 billion is distributed to all people in Hong Kong, each person can receive more than \$700, which is enough to pay for more than 20 meals.

In fact, the injection of \$5 billion into the Language Fund in one go is an anomalous act. Since 1994, the Government has made six attempts respectively

to inject funds totalling \$3 billion into the Language Fund. Now, a one-off injection of \$5 billion is made because, as I explained just now, the Administration does not wish to have too much surplus, or else the public will make requests for cash handouts. As a result, an injection of \$5 billion into the Language Fund is made. Actually, the annual expenditure of the Language Fund is only \$300 million to \$400 million. Even if its annual return cannot completely offset its expenditure, its annual deficit stands at only about \$100 million. So, after the injection this time around, the Language Fund will be able to sustain its operation for another 50 years.

Some people describe the spending of a large sum of money by the Language Fund on Putonghua training as an attempt to erode Hong Kong's core values and the Cantonese culture. Let me cite some examples to illustrate what promotion programmes there are. Putonghua-related programmes include programmes to promote Putonghua. The Standing Committee on Language Education and Research (SCOLAR) has launched three school activities and some roving musical performances, in which 16 000 students are expected to participate. Although there are many, many detailed programmes, I am not going to elaborate on them in detail here. However, I wish to point out a major premise. While injecting funds into the Language Fund, I think the SAR Government and the education sector as a whole have neglected the most important premise, that is, Hong Kong people's standard of Cantonese. Despite our emphasis on boosting the Putonghua standard of our next generation, Hong Kong people's standard of Cantonese is actually very low. Sorry, I must say that some Members cannot even pronounce their own names correctly ...

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

MR CHAN CHI-CHUEN (in Cantonese): I oppose the injection of a large amount of resources by the Language Fund into the promotion of Putonghua. Meanwhile, I might support the Language Fund if it is willing to consider proposing programmes on improving Hong Kong people's standard of Cantonese. I believe even the Chairman will agree that the standard of Cantonese of our next generation is becoming increasingly worse because people of this generation or the "post-80s" have simply not received any formal education on Cantonese. Nor has the Government provided any funds to upgrade the public's standard of

Cantonese. I am teaching Cantonese in a radio programme course in a university. I find that students do not even know how to differentiate between the Cantonese pronunciation of the words "國(gwok³)" and "角(gok³)", as well as "不(bat¹)" and "北(bak¹)". Members might be unable to tell the difference of the words I am reading out now. We can exchange views and learn from each other granting the opportunities. This is why I hope ... no need to argue. I am not speaking from the perspective that teaching Putonghua will lead to "Mainlandization" or erode Hong Kong's local community culture. However, I think that priority should be accorded to proper teaching of Cantonese if resources are available.

Do Members think that we will definitely have no problem in the use of our mother tongue or people will know how to speak in Cantonese naturally? This is actually not the case. Children will make mistakes if their mothers' diction or pronunciation is wrong. Therefore, if the Language Fund or the SCOLAR hopes to obtain more people's support, priorities must be set. Certainly, English is important. Neither is Putonghua unimportant. Furthermore, Putonghua courses are now offered in primary and secondary schools. However, over the past two or three decades, Hong Kong's education system has forgotten about Cantonese education. It was only until I was taught Cantonese word by word by Prof Richard HO in a Chinese poetry class in university that I really learnt Cantonese.

I will not go into the details anymore, but I hope priority can be accorded to Cantonese teaching before funds are injected again into the Language Fund or in this funds injection exercise.

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

MR GARY FAN (in Cantonese): Chairman, this time around, I would like to speak on "Head 184 — Transfers to Funds" under the Supplementary Appropriation (2013-2014) Bill, focusing mainly on the supplementary appropriation for use as injections into the Lotteries Fund and the Disaster Relief Fund. I will express my views and put forth proposals on subhead 900: "Payment to the Disaster Relief Fund".

Chairman, the setting up of the Disaster Relief Fund is to provide an established mechanism to enable Hong Kong to respond swiftly to humanitarian aid requests when disasters occur in the international community. The Finance Committee of the Legislative Council examined the arrangement for supplementary appropriation on 15 November 2013. The paper submitted at the time set out the grant items and amounts approved by the Disaster Relief Fund for the period between 1 April and 11 November 2013. During the half-year period, the authorities approved 17 grant items, among which 16 items were donations to the relief programmes of various provinces in the Mainland and only one item was donation to India for the relief programme for flood victims. The total amount involved in the 17 grant items was \$149 million, of which 99% were donated to the Mainland.

Chairman, unless the international vision of the SAR Government is so narrow that it only sees the need of Mainland China, the grants made under the Disaster Relief Fund indeed defeated its original purpose of providing international humanitarian aid. If Members check the record of operation of the Disaster Relief Fund, they will readily notice that the Fund tilts to the Mainland Government heavily. According to the report of the Disaster Relief Fund for the year 2012-2013 ...

CHAIRMAN (in Cantonese): Mr FAN, have you put forth these views during the discussion on the relevant appropriation at the Finance Committee?

MR GARY FAN (in Cantonese): Chairman, no, I have not, and thus I have to raise it here.

CHAIRMAN (in Cantonese): You should put forth these views during the discussion on the relevant appropriation.

MR GARY FAN (in Cantonese): Chairman, back then, I expressed my views on individual items but not from a consolidated perspective.

CHAIRMAN (in Cantonese): The content of your present speech should have been put forth on the date the appropriation was considered. Please be concise and avoid making a lengthy speech.

MR GARY FAN (in Cantonese): I understand. Alright, I will be as concise as possible, as I did heed your suggestion to be concise when I spoke earlier.

I just want to point out that according to the report of the Fund for the year 2012-2013, 80% of the disaster relief grants made, a total of \$1.2 billion, for the year ended at 31 March 2013 since the setting up of the Fund were donated to Mainland China, in comparison with 99% I mentioned earlier. Chairman, the amount involved has become a cause of concern to Hong Kong people, for the amount of grants received by Africa as a whole over the past years only accounts for 3%. Moreover, among the \$1.2 billion donated to the Mainland, \$7 billion were donated directly to local governments and organizations. If we divide the grant amount according to the aided organizations and governments, 51% of the grants have gone to the local governments of the Mainland. Chairman, I think there is something wrong with this, for the percentage involved is much higher than the 17% of the World Vision Hong Kong, the aided organization second on the list, and the 7% of the Hong Kong Red Cross, the aided organization third on the list.

Chairman, mankind has conscience, so we surely do not want to see the occurrence of disasters. The reason for me to cite the above figures is not to compare which country is more disaster-stricken than the other, but to point out that the Fund intended to be used for responding to international humanitarian aid requests has now tilted heavily to a specific place, a specific country or a specific government. This is the problem I want to highlight. I hope the Government will be alerted to it. Hong Kong people have learnt a hard lesson in the great earthquake in Wenchuan in 2008. At the time, after the SAR Government had granted the relief funds to the Sichuan Government, the SAR Government had no way to monitor the usage of the funds and could not ascertain whether the funds had been embezzled by corrupted officials on the Mainland. In May 2013, the Government obstinately donated HK\$100 million directly to the Sichuan Provincial Government again to support the relief work for the Ya'an earthquake. This arrangement aroused controversies at the time, which have not yet been resolved to date.

I will then cite certain incidents that occurred recently to prove that my earlier query about the grant in May 2013 is not unfounded. This year, the former Party Secretary of Ya'an Municipality of Sichuan, XU Mengjia, was officially arrested due to corruption. He was expelled from the Party and removed from all public offices, where one of his offences is related to the loss of part of the \$100 million grant from the Hong Kong Government. The performance of XU Mengjia in disaster relief work has all along been questioned. This includes his refusal to adopt the State Council's requirement on constructing magnitude 8 earthquake-resistant buildings but instead adopted the magnitude 7 earthquake-resistant requirement as the construction standard, which had led to the collapse of a large number of buildings during the Ya'an earthquake. In the face of the enormous corrupted regime, the SAR Government can only make passive requests to the municipal government for submission of reports. This practice can hardly set the mind of Hong Kong people at rest, for Hong Kong people can hardly trust that local governments in the Mainland will spend the disaster relief funds granted by us on victims of disasters properly.

Chairman, even for funds granted to non-governmental organizations, there is the problem of lack of supervision and the transparency of its operation in approving grants is extremely low. In May 2013, the media exposed that two organizations with a strong Mainland background, which names are not familiar to any, had been granted a total of close to HK\$40 million in four consecutive years since 2008. These two organizations are The Association of Chinese Evangelical Ministry and The Amity Foundation. The media discovered that the accounts of these two organizations were disorganized, including the suspected diversion of public funds for offsetting operational loss and the suspected payment of remuneration to directors.

Chairman, the credibility of the Red Cross Society of China has gone bankrupt after the GUO Meimei incident in the Mainland. Since then, people on the Mainland have become more concerned about whether the operation of charity organizations involves any corruption or the complicated and entangled relationship among government officials. Hong Kong as a cosmopolitan city should pay particular attention to the so-called charity organizations which are not well-known and their accounts are disorganized to ensure that donations made are used properly. Therefore, in the examination of the supplementary appropriation for the Disaster Relief Fund, I propose that the Disaster Relief Fund Advisory Committee must listen to the views of Hong Kong people more

extensively in future in approving grants. It is necessary to change the existing vetting method and set up a more objective grant usage mechanism. This will enable the public to monitor the usage of the Disaster Relief Fund more easily and the Fund to fulfil its intended mission of contributing to international society, thus preventing the Fund from merely making contributions to governments on the Mainland and being reduced to an automatic teller machine for the rich and powerful to pass around benefits secretly.

Chairman, I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will now speak on "Head 53 — Government Secretariat: Home Affairs Bureau", or in fact fund issues. The Community Care Fund (CCF) is one of the funds managed by the Home Affairs Bureau, which is set up by the Government to provide customized assistance to the so-called "five have-nots" who fall outside the safety net of Comprehensive Social Security Assistance (CSSA) or other welfare benefits. The original intent is good. The supplementary appropriation sought this time around is \$14.9 billion, which is the same as the amount of appropriation the Government applied for at this time last year after our first failure to strive for universal retirement protection. Back then, I opposed the application, so today, I will also oppose it.

The CCF was established in May 2011, and so far, \$3,517 million has been spent. The balance stands at \$20.8 billion, of which \$4.9 billion is cash that can be used at anytime, and the remaining \$15.9 billion is deposited in the Hong Kong Monetary Authority (HKMA) as the established practice. Certainly, the purpose for the arrangement is to make money, hoping to make an investment return of \$900 million from the \$15.9 billion. In fact, the targets of the CCF are the "N have-nots". This is a poverty alleviation policy which seeks to use a large sum of money to implement focused alleviation projects, and I support this approach. Taking immediate actions is important, as in the case of a sickness, the patient must seek medical treatment immediately and receive targeted therapy immediately in response. This is the correct approach showing concern for the urgent needs of the people.

However, a pilot scheme is implemented under it, an approach we are used to and the Chairman is familiar with, where a sum is allocated for the conduct of a three-year trial to gauge the effect. I totally oppose the practice of spending a certain amount to carry out the pilot scheme. First of all, what will the pilot scheme try out and how it will be tried out? It is a matter of policy. After the Government has formulated the policy, the expenditure is paid under the Home Affairs Bureau but not the Policy Bureau responsible for the implementation of the policy as per the general practice.

CHAIRMAN (in Cantonese): Mr LEUNG, I have to remind you that you should have put forward these arguments on the date the relevant appropriation was discussed.

MR LEUNG KWOK-HUNG (in Cantonese): I did so at the time.

CHAIRMAN (in Cantonese): If you had already put forward these arguments on that day, you need not mention them again now.

MR LEUNG KWOK-HUNG (in Cantonese): But it was a year ago.

CHAIRMAN (in Cantonese): The present discussion is on supplementary appropriation. You should not discuss in detail the arguments you advanced during the examination of the approval of the appropriation.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, you may not know it. I am feeling increasingly sure that what I said then was correct. After one year, the money is still unavailable for use and the colossal balance is still deposited with the HKMA, which is exactly the case I predicted back then. Back then, the authorities might still make the excuse that the situation remained unknown and refused to discuss it further, but now, the appropriation has already been granted and the result is undesirable. Therefore, I bring up the issue again as an argument. On that day, we were talking about the possibility of coming down

with a sickness and even dying, but now the patient will soon lose his breath. If so, how can we not point it out? However, thank you for your advice of not going into the details, so I will leave it here for now.

It is indeed inappropriate for the Home Affairs Bureau to manage the fund. Instead of putting the fund under the management of the Home Affairs Bureau, the amount should be managed by the Labour and Welfare Bureau. If there should be any omission in the work of the Labour and Welfare Bureau, it is natural that the Bureau should be responsible for making the rectification. Am I right? Secretary TSANG Tak-sing must have his plate now full with the handling of issues relating to the Dragon and Lion Dance Extravaganza, yet he still has to take care of the many funds involving different policy areas and be bombarded by the criticisms of the Public Accounts Committee every day. I learnt about all this only after my discharge. Therefore, the authorities should not request Policy Bureaux which portfolios do not clearly state the duty to exercise control over these funds. Am I right? I do not know if Members understand what I am saying, as I may be too tired now. However, I think overspending or the failure to fully utilize the funds is a structural problem, which is the result of specialists being led by laymen.

Among the many grants made under the CCF, I will only cite one case as an example. It is the provision of a subsidy to carers of the elderly but not the carers of persons with disabilities. In all fairness, carers of both groups have devoted as much effort as the other even though the subjects of care are different and the care delivered may be slightly different. This policy will be an extremely challenging task to Secretary TSANG Tak-sing, for Secretary Matthew CHEUNG is the one who knows the case most clearly. In this connection, I think we had been careless back then in approving the provision for the establishment of the Fund only based on the point that the Government realized the problem of the "N have-nots". The same applies to the present situation. Regarding the proposals on supplementary appropriation, we can only play a part in the discussion, and we are being criticized for bringing up an issue which had been settled at the time. However, these people do not understand that we do so for we noted there has been no improvement to the situation to date. Therefore, in my view, after the approval of the appropriation, the authorities should rectify the problem at root and return the management of the fund to the Labour and Welfare Bureau. If so, I will support the approval of additional appropriation, for this may achieve savings in expenditure.

The second concern is about the management of the balance of various funds, by the HKMA. Indeed, the HKMA is established not for this purpose. No wonder LEUNG Chun-ying proposed setting up the Financial Services Development Council. The HKMA is too tired. In the absence of a central bank, the HKMA has taken up the role of a central bank in monitoring the Hong Kong dollar exchange rate. However, the HKMA is now required to handle irrelevant issues beyond its purview. If the HKMA is required to provide service whenever the authorities want to make a profit, the HKMA will carry out the task perfunctorily due to the enormous workload.

Chairman, how can the Government effect administration in this manner? The establishment of the various funds provides a channel for the Government to solve the problem through handing out rewards. The handing out of rewards is not necessarily bad. Do not think that "Long Hair" will refer to collusion between the Government and the business sector whenever he mentions rewards. This is not the case. The present practice cannot even bring out the effect of "feeding a scholar with dog food", where the scholar will be spurred to do better. The present practice is only a perfunctory handout given out to silence the cries and the recipients need to spend frugally. This is marketplace wisdom. It is not wisdom in governance, is it? When the funds are placed under the management of outsiders, or the HKMA, to earn an average return, it means the responsibility has been outsourced. The Government and the various funds will not care about it anymore, for the money has already been given away. Chairman, I do not mind taking all the troubles to go into the details of this point, yet I know you are growing impatient with listening to me.

CHAIRMAN (in Cantonese): Mr LEUNG, this is the third time you are speaking. Please be concise and do not take the troubles to go into the details.

MR LEUNG KWOK-HUNG (in Cantonese): I will now be more concise. There is an easy way to do so, and the key lies in Rule 17(3). I ask the Chairman to allow me to make a request for a headcount under Rule 17(3) of the Rules of Procedure.

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

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

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

(Mr Gary FAN indicated his wish to speak)

CHAIRMAN (in Cantonese): Secretary for Financial Services and the Treasury, do you wish to speak?

MR GARY FAN (in Cantonese): Chairman, I have already raised my hand and pressed the "Request to speak" button.

CHAIRMAN (in Cantonese): Mr Gary FAN, this is the fourth time you are speaking.

MR GARY FAN (in Cantonese): I know. Every time I speak, I will speak on different areas and issues of concern or issues discussed in the panels that I have joined. I may have touched on part of them in my previous speeches but I will focus on different respects. As for the part that I have not yet spoken on, I hope the Chairman can let me finish all I wish to say.

I now speak on expenditure No 44 in the Supplementary Appropriation (2013-2014) Bill, for which supplementary appropriation is sought to meet the additional expenses arising from the injection of funds into the Environment and Conservation Fund (ECF). The ECF was established under the Environment and Conservation Fund Ordinance (Cap. 450) in 1994. Over the years from 1994 to 2011, the Government has made injections totalling \$1.735 billion, and with the funding approval of the Finance Committee of the Legislative Council on 14 June 2013, the Government further injected \$5 billion into the ECF, which serves as a seed fund to generate annual investment returns to support green projects and activities mainly organized by non-governmental organizations. In

other words, the ECF is operated by the Government of the Hong Kong Special Administrative Region (SAR) with public coffers.

Chairman, in recent years there has been an increasing number of funds established by public coffers and operated in ways similar to the ECF and so, we have seen the emergence of large-scale government funds similar to the ECF. Normally, projects funded by public coffers are required to seek the approval of the Legislative Council before implementation in order to ensure their efficiency and fairness in the distribution of resources.

In respect of government funds, while government injection is subject to the approval of the Legislative Council, other expenditure items under government funds are actually not required to seek the approval of the Legislative Council and this has, in effect, undermined the power of the Legislative Council to monitor public expenditure. If the projects implemented by government funds are not subject to monitoring by the Legislative Council, the transparency and efficiency of the implementation of these projects as well as their fairness in the distribution of resources may not be duly assured.

Regarding the projects under the ECF that I am talking about now, the ECF is mainly tasked to formulate various projects for application by organizations on a non-profit-making basis. Therefore, the beneficiaries and service targets of the projects are restricted to the target users of the service provided by the applicant organizations. If these organizations have applied for funding purely to improve the software and hardware of their organizations, the projects will not be able to reach out to the public and we will not be able to know anything about them.

Chairman, I hope that you will allow me to cite an example. The Ma On Shan Community Service Association (the Association) has applied for funding under the Energy Conservation Education Programme of the ECF to implement an "Energy Efficient LED Lighting" Programme with the aim of replacing light bulbs by compact fluorescent lamps for singleton elders and promoting energy saving and green living concepts. Under this arrangement, only those singleton elders who are users of the service of the Association can benefit from the programme, which means that people who live outside the Ma On Shan district or even people who live in Ma On Shan but have no connection with the Association cannot benefit from it. Therefore, I think the use of public coffers in this manner runs foul of inclination, which is not in line with the principle of fair distribution of public expenditure.

Worse still, the service targets of many organizations applying for funding under the ECF are not members of the public, but the organizations themselves. For example, the Yuen Yuen Nursing Home located in Sau Mau Ping Estate has applied for funding to replace the air-conditioning system at the nursing home, and the Hong Kong Employment Development Services Ltd has applied for funding for the installation of energy efficient lightings, LED exit signs and air conditioners. Of course, these organizations may apply for the funding genuinely for the purpose of environmental protection, but for many other organizations, local households and people in Hong Kong, can they also apply for funding under the ECF on the ground of environmental protection? If not, the ECF is, in effect, using public coffers to subsidize the operational expenditure of these organizations.

Chairman, the implementation of projects the ECF is originally intended to promote environmental protection but since it is funded by public coffers, it is necessary for us to keep in view its fairness in the distribution of resources. In this connection, when taking forward projects in the future, the ECF should attach importance to the coverage of the service targets of the projects and proactively invite organizations in various districts to participate in the projects. If the project is applicable to all the people of Hong Kong, such as procurement of energy saving electrical appliances, the Government should consider taking a standardized approach through the public policies.

Chairman, apart from fairness in the distribution of resources, I also noticed that there is a problem with the effectiveness of the ECF as the Fund has operated for 20 years since its inception in 1994. As at 31 March 2013, the ECF has made grants amounting to HK\$800 million for implementing a wide variety of projects, including the Food Waste Recycling Projects in Housing Estates, Energy-cum-carbon Audit Projects, Energy Efficiency Projects, Community Waste Reduction Projects, and Source Separation of Waste Programme. At a glance, the coverage of these projects seems to be very comprehensive, and as for the results of the projects, the Environment Bureau has actually provided some information. Just go over the *Hong Kong Blueprint for Sustainable Use of Resources 2013-2022* and we can see that the situation actually leaves a lot to be desired because the domestic waste generation rate per capita in Hong Kong is way higher than that in Tokyo, Seoul and Taiwan as it is 1.36 kg in Hong Kong, compared to 1 kg in Taiwan, 0.95 kg in Seoul and 0.77 kg in Tokyo. Hong Kong is second to none among these several places.

But according to the information on Taiwan and South Korea, we understand that it was after the establishment of the ECF, that is, after 1995, that they started implementing various green policies, though it was more or less around the year when the ECF was set up. But why are they more successful than Hong Kong? Apart from carrying out environmental education targeting the public, they have also implemented a series of mandatory public measures, such as quantity-based waste charging and mandatory waste separation. As for the projects implemented under the ECF, they are purely non-mandatory, non-government activities and projects organized jointly with community organizations, such as the Food Waste Recycling Projects in Housing Estates and Community Waste Reduction Projects that I mentioned just now. Chairman, the very crux of the problem is that if the Government does not properly exercise its public powers to take forward these public measures and policies on environmental protection, the results will not be satisfactory and the effectiveness will be low despite the injection of a large amount of resources into the ECF.

Moreover, Chairman, there is a large number of applicant organizations under the ECF. The Energy Efficiency Projects alone have involved close to 1 000 buildings and estates, and the amounts involved range from a few hundred thousand dollars to over \$1 million. Given a large number of these supporting organizations, the ECF can only carry out simple administrative monitoring on the organizations. The lack of monitoring is, in fact, a problem and it follows that the effectiveness of the projects is not duly assured. Take the Energy Efficiency Projects as an example. The original objective is to encourage existing building owners to carry out alterations, additions or improvement works to upgrade the energy efficiency performance of installations in residential, commercial, industrial buildings or composite buildings comprising any two of these three types of establishments. But how much money was put to proper use or was the money actually used to subsidize the regular repair and maintenance works of the buildings? The Government has not provided much information in this respect, and this also shows the problem in monitoring.

Therefore, Chairman, what I wish to say before I finish is that with regard to the Government's request to further make a huge injection of \$5 billion into the ECF, I have reservations about this injection given that the Legislative Council is unable to fully monitor the operation of the ECF and there are concerns about unfair distribution of public resources. I think the SAR Government should carry out environmental work, which is an important area of work, and it all the more should urge the Environment Bureau to take up these responsibilities and

start from waste reduction at source and draw up a comprehensive policy on environmental protection. It cannot rely or excessively rely on the ECF to make contribution to the environmental protection work in Hong Kong or even carry out public relations work aiming only to paint a rosy picture to gloss over the reality. The vigour of these initiatives is far from adequate.

Therefore, Chairman, I have raised this issue for discussion in my speech in the hope that the Government will be more vigilant. Chairman, I so submit.

SUSPENSION OF MEETING

CHAIRMAN (in Cantonese): I now suspend the meeting until 9 am tomorrow.

DR ELIZABETH QUAT (in Cantonese): Chairman, I request an elucidation.

CHAIRMAN (in Cantonese): Dr QUAT, I have already suspended the meeting. You can speak tomorrow morning.

Suspended accordingly at two minutes to Ten o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Transport and Housing to Mr Martin LIAO's supplementary question to Question 4

As regards the expansion of the airport into a three-runway system, a comparison between the airport charges level of the Hong Kong International Airport and other international airports is provided for Members' reference.

Hong Kong International Airport fees

In August 2012, the Airport Authority Hong Kong (AA) commissioned a consultancy firm, LeighFisher⁽¹⁾, to study and compare the level of airport charges among 55 international airports across the globe, including the Hong Kong International Airport (HKIA) and a few other international airports in the Region (such as Singapore Changi and Seoul Incheon) and in the Pearl River Delta (such as Guangzhou Baiyun and Shenzhen Bao'an).

The consultant found that the HKIA's charges were far lower than its worldwide counterparts. On a descending list of overall airport charges⁽²⁾ (tax excluded), the HKIA's overall airport charges ranked 54th among the 55 international airports studied.

(1) Founded in 1946, LeighFisher is a global management consulting firm based in the United Kingdom. Its annual publication, *Review of Airport Charges*, is widely quoted and referenced in related studies worldwide.

(2) Overall airport charges include landing charge, parking charge, terminal building charge, and so on.